

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 229

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H.P. 161

House of Representatives, February 3, 2015

### **An Act To Exempt Small Raw Milk Producers from Licensing Requirements**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HANLEY of Pittston.  
Cosponsored by Senator WOODSOME of York and  
Representatives: HARLOW of Portland, HICKMAN of Winthrop, McCLELLAN of Raymond,  
STEARNS of Guilford, THERIAULT of China.

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

2 **Sec. 1. 7 MRSA §2900, sub-§16-A** is enacted to read:

3 **16-A. Raw milk.** "Raw milk" means milk that has not been pasteurized or  
4 homogenized.

5 **Sec. 2. 7 MRSA §2901-C, sub-§1,** as enacted by PL 1999, c. 679, Pt. A, §5, is  
6 amended to read:

7 **1. Milk distributor license.** A milk distributor shall obtain a license from the  
8 commissioner and shall renew that license annually. The license fee is based on the  
9 annual volume of milk or milk products sold or distributed in the State. The annual fee  
10 may not be lower than \$25 or exceed \$300. The commissioner shall deposit all money  
11 received from milk distributor license fees into the General Fund. A milk distributor  
12 selling raw milk or a raw milk product under section 2910-C is exempt from the  
13 provisions of this subsection.

14 **Sec. 3. 7 MRSA §2908-A, sub-§1,** as amended by PL 2005, c. 270, §7, is further  
15 amended to read:

16 **1. Violation.** A firm, person, corporation or society may not sell milk or milk  
17 products in the State, except raw milk or a raw milk product under section 2910-C,  
18 without the license or permits provided in sections 2901-C and 2902-A, violate sections  
19 2901-A to 2903-B or neglect, fail or refuse to comply with those sections and the rules,  
20 regulations and standards of identity and quality issued pursuant to section 2910.

21 **Sec. 4. 7 MRSA §2910-C** is enacted to read:

22 **§2910-C. Sales of raw milk**

23 **1. Exemption from licensing requirement.** A milk distributor who daily produces  
24 for sale less than 20 gallons of raw milk or daily processes less than 20 gallons of raw  
25 milk into cheese aged at least 60 days, yogurt, cream, butter or kefir or other dairy  
26 product is not required to obtain a license under section 2901-C if the milk and any  
27 products are sold directly to the consumer from the milk distributor's own farm or farm  
28 stand or at a farmers' market within the State.

29 **2. Labeling.** Raw milk or a raw milk product sold under subsection 1 must be  
30 clearly labeled with the name, address and phone number of the milk distributor's farm,  
31 the name of the product and the following statement: "This product is made with raw  
32 milk and is exempt from State of Maine licensing." If the raw milk or a raw milk product  
33 is sold in a container provided by the milk distributor, the container must be labeled  
34 pursuant to the requirements of this subsection.

35 **3. Sign.** A milk distributor selling raw milk or a raw milk product under subsection  
36 1 shall place a sign at the point of sale that contains the name, address and phone number  
37 of the milk distributor's farm and the following statement: "Products from this farm made  
38 from raw milk are exempt from State of Maine licensing."

1 **SUMMARY**

2 This bill exempts the sale of raw milk and raw milk products from licensing under the  
3 following circumstances:

4 1. The sale is by a milk distributor who daily produces for sale less than 20 gallons  
5 of raw milk or daily processes less than 20 gallons of raw milk into various dairy  
6 products and sells the milk and milk products directly to the consumer from the milk  
7 distributor's own farm or farm stand or at a farmers' market within the State;

8 2. The raw milk and raw milk products are clearly labeled with the name, address  
9 and phone number of the milk distributor's farm, the name of the product and the  
10 following statement: "This product is made with raw milk and is exempt from State of  
11 Maine licensing"; and

12 3. At the point of sale a sign is placed that contains the name, address and phone  
13 number of the milk distributor's farm and the following statement: "Products from this  
14 farm made from raw milk are exempt from State of Maine licensing."