



# The National Agricultural Law Center

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Cottage Food Law Statutes:

*Maine*



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# A National Agricultural Law Center Research Publication

## Cottage Food Laws: Maine

[Me. Stat. tit. 7 § 281 to 286](#)

[Me. Stat. tit. 30-A § 7505](#)

[01-001-345 Me. Code R. § 1 through 8](#)

### **The Maine Food Sovereignty Act**

#### **ME ST T. 7 § 281. Short title**

This chapter may be known and cited as "the Maine Food Sovereignty Act."

2017, c. 314, § 1, eff. Oct. 31, 2017.

#### **ME ST T. 7 § 282. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Direct producer-to-consumer transaction.** "Direct producer-to-consumer transaction" means a face-to-face transaction involving food or food products at the site of production of those food or food products.
2. **Food or food products.** "Food or food products" means food or food products that are grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

2017, c. 314, § 1, eff. Oct. 31, 2017. Amended by 2022 Me. Legis. Serv. Ch. 625 (H.P. 419) (L.D. 574) § 1-2, approved April 18, 2022.

#### **ME ST T. 7 § 283. Statement of policy; local control and rural economic development**

It is the policy of this State to encourage food self-sufficiency for its citizens. The department shall support policies that:

1. **Local control.** Through local control, preserve the ability of communities to produce, process, sell, purchase and consume locally produced foods;
2. **Small-scale farming and food production.** Ensure the preservation of family farms and traditional foodways through small-scale farming and food production;
3. **Improved health and well-being.** Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;
4. **Self-reliance and personal responsibility.** Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and



sell foods directly to customers intended solely for consumption by the customers or their families; and

5. **Rural economic development.** Enhance rural economic development and the environmental and social wealth of rural communities.

2017, c. 314, § 1, eff. Oct. 31, 2017.

#### **ME ST T. 7 § 284. Authority**

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, pursuant to the authority granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of law regulating food in this Title or Title 22 to the contrary, except as contained in section 285, a municipality or plantation may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those laws or implementing rules with respect to those direct producer-to-consumer transactions that are governed by the ordinance.

Pursuant to the authority granted to county commissioners by Title 30-A, section 7505 and notwithstanding any provision of law regulating food in this Title or Title 22 to the contrary, except as contained in section 285, a county may adopt ordinances regarding direct producer-to-consumer transactions within one or more unorganized territories within that county and the State shall recognize such an ordinance by not enforcing those laws or implementing rules with respect to those direct producer-to-consumer transactions that are governed by the ordinance.

2017, c. 314, § 1, eff. Oct. 31, 2017. Amended by 2022 Me. Legis. Serv. Ch. 625 (H.P. 419) (L.D. 574) § 3, approved April 18, 2022.

#### **ME ST T. 7 § 285. Departmental authority; livestock and poultry**

Notwithstanding any provision in this chapter to the contrary, the department shall implement and enforce all provisions of Title 22, chapter 562-A and the rules adopted thereunder that are necessary to ensure that the requirements of the State's meat and poultry products inspection, registration and licensing program are at least equal to the applicable requirements specified under applicable federal acts, as defined by the United States Department of Agriculture or other federal agencies, without exception.

2017, c. 314, § 1, eff. Oct. 31, 2017; 2021, c. 64, § 1, eff. Oct. 18, 2021.

#### **ME ST T. 7 § 286. Compliance with food safety regulations**

An individual who grows, produces, processes or prepares food or food products for purposes other than direct producer-to-consumer transactions in a municipality, plantation or unorganized territory governed by an ordinance authorized pursuant to section 284



shall grow, produce, process or prepare the food or food products in compliance with all applicable state and federal food safety laws, rules and regulations.

2017, c. 314, § 1, eff. Oct. 31, 2017. Amended by 2022 Me. Legis. Serv. Ch. 625 (H.P. 419) (L.D. 574) § 4, approved April 18, 2022.

## Other Relevant Statutes

### **ME ST T. 30-A § 7505. Ordinances authorized under the Maine Food Sovereignty Act**

The county commissioners of each county may adopt ordinances regarding direct producer-to-consumer transactions in accordance with Title 7, chapter 8–F. Ordinances adopted by the county commissioners govern direct producer-to-consumer transactions in any unorganized territory within the county whose residents have opted, in a manner prescribed by the county commissioners, to have the ordinance apply in that unorganized territory.

Enacted by 2022 Me. Legis. Serv. Ch. 625 (H.P. 419) (L.D. 574) § 6, approved April 18, 2022.

## **01-001 Code of Maine Rules Ch. 345 - Home Food Manufacturing Regulations**

### **§ 1. Definitions**

For purposes of this chapter and unless the context otherwise indicates, the following words shall have the following meanings.

- A. “Corrosion resistant material” means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the environment.
- B. “Department” means the Maine Department of Agriculture, Conservation and Forestry.
- C. “Food contact surfaces” means those surfaces of equipment and utensils with which food comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
- D. “Food” means articles used for food or drink for man, chewing gum and articles used for components of any such article.
- E. “Home food manufacturing” means an establishment in the home in which food is processed or otherwise prepared and packaged for human consumption and offered for sale directly to the consumer or through other distribution methods.
- F. “Kitchen” means a room, place or equipment for the preparation and cooking of food.
- G. “Potentially hazardous foods” means any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic microorganisms including, but not limited to, cream fillings. in pies, cakes or pastries; custard



products; meringue topped bakery products; or butter cream type fillings in bakery products.

Current through the September 8, 2021 Maine Weekly Rule Notice.

## **§ 2. Premises**

- A. The grounds of the outer premises of the home shall be reasonably clean and well drained, free from any materials or conditions that create rodent, bird and/or insect harborages and free from other nuisances and sources of contamination.
- B. Sewage and waste water shall be disposed of in a sanitary manner.

Current through the September 8, 2021 Maine Weekly Rule Notice.

## **§ 3. Kitchen Construction and Design**

- A. Food preparation shall be done only in an area which will assure the production of a wholesome, uncontaminated product.
- B. All doors and windows in the preparation area shall be provided with screens.
- C. Floors shall be smooth and kept in a clean and sanitary condition at all times.
- D. Walls and ceilings shall be constructed so as to be readily cleanable. They shall be kept clean and in good repair.
- E. All food contact surfaces shall be of a nonabsorbent, corrosion resistant material such as stainless steel, formica, or other chip resistant, nonpitted, surface.

Current through the September 8, 2021 Maine Weekly Rule Notice.

## **§ 4. Equipment and Utensils**

- A. Equipment and utensils shall be adequate for their intended use.
- B. Equipment shall be designed to prevent food contamination.
- C. Equipment and utensils shall be kept in a clean, sanitary condition at all times.

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## **§ 5. Sanitary Facilities and Controls**

- A. There shall be an adequate supply of hot and cold water under pressure. A two bay sink made of corrosion resistant material shall be used. These facilities shall be provided in or adjacent to the food preparation area.
- B. Private water supplies shall be tested yearly.
- C. The food contact surfaces of all equipment and utensils shall be sanitized as necessary to prevent contamination. Sanitization shall be accomplished by one of the following methods; (1) immersion for at least one-half (2) minute in clean, hot water at a



- temperature of at least 170E F; or (2) immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75E F; or (3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a Ph not higher than 5.0 and at a temperature of at least 75EF. Utensils and product contact surfaces of equipment which cannot be immersed shall be sanitized by rinsing with one of the three solutions described in this paragraph.
- D. Toilet facilities shall be maintained in a sanitary condition and kept in good repair. In all new construction, doors shall not open directly into the food preparation area.
  - E. No animals or birds or uncontrolled children shall be allowed in the food preparation area.
  - F. Provision shall be made for proper disposal of waste in covered, fly tight, metal or plastic containers.
  - G. No tobacco shall be used in any form during the processing of food.

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## **§ 6. Food Protection**

- A. Potentially hazardous foods shall be refrigerated at a temperature of 45E F or below. Frozen foods to be kept at a temperature of 0E F or below.
- B. All food products shall be wrapped, or if unwrapped, covered by an enclosed display case or jar with cover.
- C. Only new glass containers, or home canning glass containers designed and intended for reuse, shall be used for the packaging of foods that are offered for sale. Reusable containers shall be sanitized prior to reuse. Seals shall not be reused.
- D. Home canned foods that require pressure cooking for sealing shall not be sold.

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## **§ 7. Labeling**

When products are sold to stores, sold wholesale for further distribution, or retailed by any manner of public marketing, each individual item shall bear a label showing;

- A. The common or usual name of the product.
- B. Ingredients in order of predominance.
- C. Net weight or numerical count.
- D. The name and address of the producer, manufacturer or distributor and zip code.

When sold directly to a consumer from the home, the product does not require a label.

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## § 8. Licensing

- A. Application and Fee.** Application for approval for Home Food Manufacturing shall be filed annually with the Department of Agriculture, Conservation and Forestry. Applications shall be accompanied by the appropriate fee as enumerated in Chapter 330, *License Fees to Manufacture and Sell Food & Beverages*. In order to allow for the staggering of license expiration dates, initial licenses may be issued for a period exceeding twelve months. In such cases, the initial license fee shall be increased in proportion to the length of the license period.
- B. Inspection and Issuance.** Before a license is issued or renewed the Department shall inspect the premises of the applicant.  
The commissioner shall within 30 days following receipt of application, issue a license to operate any food establishment which is found to comply with this chapter and any rules and regulations adopted by the commissioner. When any such applicant, upon inspection by the commissioner, is found not to meet the requirements of this chapter or regulations adopted hereunder, the commissioner is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the commissioner shall be made by the applicant for compliance or a conditional license setting forth conditions which shall be met by the applicant to the satisfaction of the commissioner.

Current through the September 8, 2021 Maine Weekly Rule Notice.

