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Legislative Document

No. 1409

S.P. 487

In Senate, April 11, 2017

An Act To Reduce Regulations for Small Nonalcoholic Beverage Producers

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Senator: VOLK of Cumberland, Representatives: FECTION of Biddeford, MASTRACCIO of Sanford, STETKIS of Canaan, SYLVESTER of Portland, VACHON of Scarborough.

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

2 **Sec. 1. 32 MRSA §1751, sub-§4-A** is enacted to read:

3 **4-A. Small beverage producer.** "Small beverage producer" means a person or
4 beverage plant that manufactures or bottles no more than 50,000 gallons of beverages a
5 year.

6 **Sec. 2. 32 MRSA §1852** is amended to read:

7 **§1852. Plant requirements**

8 Every beverage plant used for the preparation, manufacture and bottling of any
9 beverage ~~shall~~ must be adequately lighted and ventilated and all floors ~~shall~~ must be
10 constructed of cement, concrete or tile laid in cement or other material impervious to
11 water, and ~~shall~~ must have sufficient pitch to ~~insure~~ ensure drainage; walls and ceilings
12 ~~shall~~ must be varnished or painted in light color and kept clean; doors, windows and other
13 openings of any room in which beverages or the ingredients of such beverages ~~shall be~~
14 are prepared shall must be screened. Wash basins, sinks and toilets ~~shall~~ must be provided
15 for employees. ~~No~~ A toilet ~~shall~~ may not open directly into any room used for the
16 preparation or bottling of any beverage. The syrup room ~~shall~~ must be separately
17 enclosed, well ventilated and lighted, provided with sinks and taps for hot and cold water,
18 thoroughly protected against vermin, flies, dirt and dust and so constructed as to be easily
19 cleaned.

20 ~~Every~~ Except for a small beverage producer, every beverage plant ~~shall~~ must be
21 equipped with mechanical container-washing apparatus and machinery, and with
22 mechanical and sanitary machines for bottling and for carbonating, if carbonated
23 beverages are manufactured. A small beverage producer may wash, bottle and carbonate
24 glass beverage containers by hand if all other requirements of this section are met.

25 All machines, apparatus, vessels, fountains, tanks or other equipment, caps and
26 ingredients used in the manufacture of beverages ~~shall~~ must be kept in a sanitary
27 condition. No vessels or tanks ~~shall~~ must be used for syrup mixing or for storing such
28 mixed syrup unless they are of glass or stainless steel, porcelain lined, block tin lined or
29 made of some other suitable impervious material.

30 Beverage plants ~~shall~~ must be located in buildings so constructed that the bottling
31 operation is performed in separate rooms, but such construction ~~shall~~ must allow for
32 modern practices in the loading or unloading of trucks in the same rooms, and for modern
33 practices in the use of conveyor systems or other means of mechanical handling.

34 **Sec. 3. 32 MRSA §1854**, as amended by PL 1979, c. 731, §19 and PL 2011, c.
35 657, Pt. W, §6, is further amended to read:

36 **§1854. Cleaning of containers**

37 ~~All~~ Except for reusable glass containers used by a small beverage producer, all
38 reusable glass containers used in the manufacture of beverages shall must, before being

1 filled or refilled, be thoroughly cleaned and sanitized by washing in an automatic washing
2 machine in a solution of not less than 3% caustic alkali, at a temperature not lower than
3 110° Fahrenheit to be followed by a rinsing in potable water. All other reusable and all
4 single service containers ~~shall~~ must be cleaned and sanitized before being filled or refilled
5 by suitable means approved by the Commissioner of Agriculture, Conservation and
6 Forestry. A small beverage producer may clean and sanitize reusable glass beverage
7 containers by washing the containers by hand if all other requirements of this section are
8 met.

9 SUMMARY

10 This bill allows small nonalcoholic beverage producers that manufacture or bottle no
11 more than 50,000 gallons of beverages a year to clean and sanitize reusable beverage
12 containers by washing by hand and bottle and carbonate the containers by hand as long as
13 all other cleaning and sanitizing requirements are met.