1 L.D. 366

2 Date: (Filing No. H-   )

3 **AGRICULTURE, CONSERVATION AND FORESTRY**

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5 **STATE OF MAINE**

6 **HOUSE OF REPRESENTATIVES**

7 **125TH LEGISLATURE**

8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "   " to H.P. 292, L.D. 366, Bill, "An Act
10 Regarding the Sale of Raw Milk"

11 Amend the bill by striking out everything after the enacting clause and before the
12 summary and inserting the following:

13 '**Sec. 1. 7 MRSA §2900, sub-§8,** as enacted by PL 1999, c. 679, Pt. A, §1, is
14 amended to read:

15 **8. Milk distributor.** "Milk distributor" means any person who offers for sale or
16 sells to another person any milk or milk products in their final form, except that "milk
17 distributor" does not include a milk producer who sells milk only to end use consumers in
18 accordance with section 2901-D.

19 **Sec. 2. 7 MRSA §2901-D** is enacted to read:

20 **§2901-D. Direct sales from milk producers to consumers**

21 **1. License not required.** A milk producer is not required to be licensed under this
22 chapter if the producer sells only milk from that producer's dairy farm and the milk:

23 A. Is sold directly to an end use consumer;

24 B. Is sold on the dairy farm directly to a consumer by the milk producer; and

25 C. Is sold in a container carrying a label that clearly states "produced and packaged
26 on a farm that is not licensed or inspected."

27 **2. Unpasteurized milk.** In addition to the labeling requirement in subsection 1,
28 paragraph C, an unlicensed milk producer selling milk under this section may not sell
29 unpasteurized milk unless the label on that product contains the words "not pasteurized"
30 and a clearly legible sign is posted on the refrigerator containing the milk or at the point
31 of sale that reads: "Warning: This product has not been pasteurized and may contain
32 harmful bacteria. Pregnant women, children, the elderly and persons with lowered
33 resistance to disease have the highest risk of harm from use of this product."

COMMITTEE AMENDMENT

1 **Sec. 3. 7 MRSA §2902-B, sub-§1,** as amended by PL 2005, c. 270, §3, is further
2 amended to read:

3 **1. Sale of unpasteurized milk or milk product.** A person may not sell
4 unpasteurized milk or a product made from unpasteurized milk, including heat-treated
5 cheese, unless the label on that product contains the words "not pasteurized." A milk
6 producer that is not licensed under this chapter shall also comply with section 2901-D.

7 **Sec. 4. 7 MRSA §2955, first ¶,** as amended by PL 1975, c. 517, §4, is further
8 amended to read:

9 No A dealer shall may not buy milk from producers or others for sale or shall
10 process, distribute, sell or offer to sell milk in any market in the State designated by the
11 commission unless duly licensed by the commission. No A license shall be is not
12 required of any person who produces or and sells milk for consumption only on the
13 premises of the producer or and seller. Each person, before engaging in the business of a
14 dealer in any market designated by the commission, shall make application to the
15 commission for a license, which the commission is authorized to grant. No A retailer
16 shall may not sell or offer to sell milk in any market in the State which he milk that the
17 retailer has purchased in Maine from an unlicensed dealer.'

18 **SUMMARY**

19 This amendment is the minority report of the Joint Standing Committee on
20 Agriculture, Conservation and Forestry. It establishes criteria for exempting a milk
21 producer from licensing requirements under the Maine Revised Statutes, Title 7, chapter
22 601. It restricts sales to direct sales to end use consumers on the dairy farm premises and
23 requires the milk container to state that the farm is not inspected or licensed. It also
24 requires a warning to be displayed on the premises when an unlicensed producer is selling
25 unpasteurized milk. It clarifies the existing exemption from licensing under Title 7,
26 chapter 603. It removes the definition of "premises" in the bill that included motor
27 vehicles and portable farm stands.

COMMITTEE AMENDMENT