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An Act To Increase Access to Farm Fresh Poultry

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

Sec. 1. 22 MRSA §2511, sub-§37-A is enacted to read:

37-A. Poultry producer. "Poultry producer" means a person who raises poultry offered for sale.

Sec. 2. 22 MRSA §2512, sub-§1, ¶A, as enacted by PL 1999, c. 777, §1, is amended to read:

A. Require ante mortem and post mortem inspections, quarantine, segregation and reinspections with respect to the slaughter of livestock and poultry and the preparation of livestock products and poultry products at all establishments in this State, except those exempted under section 2517-C or exempted by the commissioner under subsection 2, paragraph K, at which livestock or poultry are slaughtered or livestock products or poultry products are prepared for human food solely for distribution in intrastate commerce;

Sec. 3. 22 MRSA §2517-C is enacted to read:

§ 2517-C. Slaughter and inspection; exemption for poultry

1. Exemption. Notwithstanding section 2512 and whether or not the poultry are intended for human consumption, inspection is not required for the slaughter of poultry or the preparation of poultry products as long as the poultry are slaughtered or the poultry products are prepared on the farm where the poultry were raised and:

- A. Fewer than 1,000 birds are slaughtered annually on the farm;
- B. No birds are offered for sale or transportation in interstate commerce;
- C. Any poultry products sold are sold only as whole birds;
- D. The poultry producer has a valid license issued under section 2514;
- E. The facilities for slaughtering and processing are in compliance with rules adopted under subsection 4;
- F. The poultry producer assigns a lot number to all birds sold and maintains a record of assigned lot numbers and the point of sale; and
- G. The poultry are sold in accordance with the restrictions in subsection 2.

2. Restrictions on point of sale. Poultry products sold under this section may only be sold by the poultry producer and in the following locations or manner:

- A. At the farm on which the poultry were raised;
- B. At a farmers' market as defined in Title 7, section 415;
- C. Delivered to a consumer's home by the poultry producer whose name and license number appear on the label under subsection 3; or
- D. Received by a person who is a member of a community supported agriculture farm that has a direct marketing relationship with the poultry producer. For the purposes of this section, "community supported agriculture" means an arrangement whereby individual consumers have agreements with a farmer to be provided with food or other agricultural products produced on that farm.

3. Labeling requirements for sales at farmers' markets. A poultry producer may not sell poultry products that have not been inspected at a farmers' market pursuant to subsections 1 and 2 unless the poultry products are labeled with:

- A. The name of the farm, the name of the poultry producer and the address of the farm including the zip code;
- B. The number of the license issued to the poultry producer in accordance with section 2514 and the lot number for the poultry products pursuant to subsection 1, paragraph F;
- C. The statement "Exempt under the Maine Revised Statutes, Title 22, section 2517-C NOT INSPECTED." The statement must be prominently displayed with such conspicuousness that it is likely to be read and understood; and
- D. Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

4. Rules. The commissioner shall adopt rules to establish requirements for the physical facilities and sanitary processes used by poultry producers whose products are exempt from inspection under this section. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Enforcement. The commissioner shall enforce the provisions of this section.

6. Violation; penalty. A person who violates this section is subject to penalties under section 2524.

Sec. 4. 22 MRSA §2518, sub-§1, as enacted by PL 1999, c. 777, §1, is amended to read:

1. Review by inspector. The commissioner may cause establishments that are required to be licensed under section 2514 but are exempt from inspection under section 2512, subsection 2, paragraph K to be periodically reviewed by inspectors to ensure that the provisions of this chapter and the rules

adopted under this chapter are satisfied and that the public health, safety and welfare are protected. The commissioner shall cause establishments that are required to be licensed under section 2514 but are exempt from inspection under section 2517-C to be reviewed annually by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected.

Effective September 12, 2009