

01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

DIVISION OF REGULATIONS

Chapter 345: HOME FOOD MANUFACTURING

SUMMARY: The purpose of this chapter is to set forth standards for licensing and regulations for home food manufacturing, including shellfish processing.

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.

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.

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.

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.

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.

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.

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.

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.

STATUTORY AUTHORITY:

10 MRSA §2625, 22 MRSA §§ 2153, 2157.9B, 2167, 2168 and 2169.

EFFECTIVE DATE:

December 9, 1980

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996

CONVERTED TO MS WORD:

April 15, 2008

AMENDED:

September 21, 2008 – Section 8(A), filing 2008-433

CORRECTIONS:

February, 2014 – agency names, formatting



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 Augusta, Maine 04333-0028
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FOOD AND FUEL LICENSE APPLICATION

Check the TYPE of Request:	New License	License Renewal	Change of Ownership	Location Change
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Section 1. Establishment Information

Establishment Name:		License Number:	
Site Manager:		New Business?	
Street Address:		Former Establishment:	
City:		Former Owner:	
State:		Seating Capacity:	
Zip: -		Typical Season:	
Telephone:		Operating Hours:	
Cell/ Pager:		Operating Days:	
Fax:		Type of Water:	
Email:		Type of Septic:	
		Full Time	
		Seasonal	
		Su	
		M	
		T	
		W	
		Th	
		F	
		Sa	
		Private Dug	
		Private Drilled	
		Municipal	
		Private	
		Municipal	

Section 2: Owner Information

Owner or Corporate Name:	
Mailing Address:	
City:	
State:	
Zip: -	
Phone:	
Fax:	
Email:	

Please Complete Each Section That Applies to Your Business

Section 3. License Type Retail

Check One Block that Best Describes Your Operation		Check All Services Provided That Apply to Your Business	
Bakery	Grocery Store	*Baked Goods (produced on site)	Prepackaged Meat
Beverage Store	Health Food Store	Beverage Dispenser	*Processed Meat
Book Store	Meat Market, Butcher	Bulk Sales (candy, fruit, nuts, popcorn)	Prepackaged Food
Campground Store	Mobile Vendor	Coffee/Tea (prep on site)	Produce (fresh)

Section 4. License Type Food Processor

Check One Block that Best Describes Your Operation	Check All Services Provided That Apply to Your Business
<input type="checkbox"/> Commercial Food Processor	<input type="checkbox"/> Breads, Rolls <input type="checkbox"/> Fruits, Vegetables <input type="checkbox"/> Seafood (raw)
<input type="checkbox"/> Bakery - Commercial /Wholesale	<input type="checkbox"/> Brewery <input type="checkbox"/> Ice Manufacturing <input type="checkbox"/> Seafood (ready to eat products)
<input type="checkbox"/> Beverage Plant	<input type="checkbox"/> Cakes, Pies <input type="checkbox"/> Jams, Jellies <input type="checkbox"/> Soft Drinks
<input type="checkbox"/> Cider /Juice Plant	<input type="checkbox"/> Canned, Processed <input type="checkbox"/> Maple Syrup <input type="checkbox"/> Vacuum-packed Product
<input type="checkbox"/> Meat Processor	<input type="checkbox"/> Crabmeat <input type="checkbox"/> Meat (raw) <input type="checkbox"/> Water
<input type="checkbox"/> Home Processor	<input type="checkbox"/> Fruit Juices <input type="checkbox"/> Meat (ready to eat products) <input type="checkbox"/> Other
<input type="checkbox"/> Food Salvage	Other: _____
<input type="checkbox"/> Maple Syrup Processor	
<input type="checkbox"/> Slaughterhouse	

FOOD PROCESSOR FEES (Section 4 on License Application)

Commercial Food Processor:

<input type="checkbox"/>	All licenses:	\$50	Fee Enclosed:	<input type="text"/>
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Bakery – Commercial /Wholesale:

<input type="checkbox"/>	All licenses:	\$50	Fee Enclosed:	<input type="text"/>
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Beverage Plant License:

<input type="checkbox"/>	0 to 5 employees:	\$75		<input type="text"/>
<input type="checkbox"/>	6 or more employees:	\$150	Fee Enclosed:	<input type="text"/>

Cider /Juice Beverage Plant License:

<input type="checkbox"/>	0 to 10 employees:	\$20		<input type="text"/>
<input type="checkbox"/>	11 to 25 employees:	\$50		<input type="text"/>
<input type="checkbox"/>	26 or more employees:	\$150	Fee Enclosed:	<input type="text"/>

Meat Processor

<input type="checkbox"/>	Commercial Meat /Poultry Processor:	\$50		<input type="text"/>
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Home Food Processor:

<input type="checkbox"/>	All licenses:	\$20	Fee Enclosed:	<input type="text"/>
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Food Salvage (Processor) (Retailer) (Broker):

<input type="checkbox"/>	0 to 5 employees or volunteers:	\$30		<input type="text"/>
<input type="checkbox"/>	6 or more employees or volunteers:	\$50	Fee Enclosed:	<input type="text"/>

Maple Syrup Producer:

<input type="checkbox"/>	Less than 15 gal. of maple syrup production/ year:	\$2		<input type="text"/>
<input type="checkbox"/>	More than 15 gal. of maple syrup production/ year:	\$25	Fee Enclosed:	<input type="text"/>

Slaughterhouse

<input type="checkbox"/>	Commercial Slaughterhouse:	\$50		<input type="text"/>
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License fees based on the number of employees must include all full-time, part-time and intermittent employees.

Subtotal Processing Section 4:

Section 5. Wholesale and Warehousing

Check One Block that Best Describes Your Operation	Check All Services Provided That Apply to Your Business
<input type="checkbox"/> Broker (Meat & Poultry Products)	<input type="checkbox"/> Beverages <input type="checkbox"/> Meat (ready to eat)
<input type="checkbox"/> Food Storage Warehouse	<input type="checkbox"/> Breads <input type="checkbox"/> Ready to Eat Foods
<input type="checkbox"/> Public Warehouse (Meat & Poultry Products)	<input type="checkbox"/> Canned, Processed Food <input type="checkbox"/> Seafood (raw)
<input type="checkbox"/> Wholesale Distributor (Meat & Poultry Products)	<input type="checkbox"/> Fruits, Vegetables <input type="checkbox"/> Seafood (ready to eat)
	<input type="checkbox"/> Ice <input type="checkbox"/> Vacuum-packed Product
	<input type="checkbox"/> Meat (raw) <input type="checkbox"/> Other: _____

WHOLESALE / WAREHOUSE FEES (Section 5 on License Application)

Broker of Meat & Poultry Products:

<input type="checkbox"/>	All licenses:	\$50	Fee Enclosed:	<input type="text"/>
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Food Storage Warehouse:

<input type="checkbox"/>	0 to 10 employees:	\$20		<input type="text"/>
<input type="checkbox"/>	11 to 25 employees:	\$50		<input type="text"/>
<input type="checkbox"/>	26 or more employees:	\$150	Fee Enclosed:	<input type="text"/>

Public Warehouse:

<input type="checkbox"/>	Storage of Meat & Poultry Products, all licenses:	\$50	Fee Enclosed:	<input type="text"/>
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Wholesale Distributor of Meat & Poultry Products:

<input type="checkbox"/>	All licenses:	\$50	Fee Enclosed:	<input type="text"/>
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License fees based on the number of employees must include all full-time, part-time and intermittent employees.

Subtotal Wholesale /Warehouse Section 5:

Section 6. Retail Fuel Establishment

Check **All** that apply to your operation

Diesel (Includes Off Road)	Number of nozzles:	
Gas (regular unleaded)	Number of nozzles:	
Gas (mid-grade unleaded)	Number of nozzles:	
Gas (premium unleaded)	Number of nozzles:	
Kerosene	Number of nozzles:	
Propane (Motor Fuel)	Number of nozzles:	
Av Gas	Number of nozzles:	
Propane Fill Plant (No Fee) – Please check this box if propane tanks are filled on site!	Total nozzles:	

RETAIL FUEL ESTABLISHMENT FEES (Section 6 of License Application)

Registration of Motor Fuel Dispensers:

\$8 / nozzle / year No. of nozzles = X \$8 ea. = Fee Enclosed:

A dispensing nozzle is one that is capable of dispensing a single product. Each additional grade of product dispensed from a single nozzle shall constitute as an additional dispensing nozzle.

Total License Fees Section 6:

Section 7. Complete the following checklist, sign and date application prior to submittal. License issuance may be delayed and application returned if necessary materials are omitted.

- All information requested in Sections 1 and 2 has been provided.
- Each section in which a license is wanted is complete.
- Private well please submit water test results from a certified laboratory for total coliform bacteria and nitrates. For new applications, water tests must be completed within the past 30 days. For renewal applications, water tests must be completed within the past 12 months. ***NOTE: If your private well is regulated as a Public Water System (PWS) by the Drinking Water Program (DWP) or you have municipal water you are not required to submit test results.**
- Private well regulated as a Public Water System (PWS) please provide your Public Water System Identification Number **PWSID #** _____
- If a private septic system is used, enclose documentation of compliance with the "Maine Subsurface Waste Water Disposal Rules." This may be obtained from a Code Enforcement Officer or Plumbing Inspector.
- Seafood processors must complete a hazard analysis of each product and implement necessary HACCP Plan(s).
- Food processors must enclose a review from an accredited food processing authority for manufacturing acidified food; such as, but not limited to salsas, pickles, sauces, etc.
- Out-of-state beverage plants must enclose current sanitation inspection from the licensing authority.
- Out-of-state beverage plants must enclose copies of beverage labels – every kind, size and brand – to be sold in the State of Maine.
- Application must be submitted 30 days prior to opening date (Specified Below). **If establishment is NOT prepared for inspection within 90 days of specified opening date, a new application and fee may be required.**

Opening Date: _____

Contact Name: _____

Contact Phone: _____

* Multi-year Licenses (up to 3 years) are available upon request for establishments that **DO NOT** produce potentially hazardous foods or are not required to submit an annual water test.

TOTAL FEES (NON-REFUNDABLE) Section 3-6:

Total:

License fees must accompany application. Checks must be made payable to: **TREASURER, STATE OF MAINE**

If you would like to pay by credit card (Visa or MasterCard Only!), please complete the following:			
Name on Card:			
Credit Card #:			
Expiration Date:	Card Type (Please Check One!):	<input type="checkbox"/> ←Visa	<input type="checkbox"/> ←MasterCard
Billing Address:			

NOTICE: Any false written statements made by the undersigned, with the intent to deceive a public servant in the performance of his or her official duties, may expose the undersigned to criminal liabilities under 17-A MRSA 453 1.B. (1).

PRINT NAME: _____ **SIGNATURE:** _____ **DATE:** _____

OFFICE USE ONLY

Date Received:		Comments:			
Date Reviewed:					
Reviewed By:					
Application:	Approved			Returned	
Date Returned:					
Expiration Date:				Assigned To:	
Method of Payment:					
Check #					
Cash Receipt #					