

01-001 DEPARTMENT OF AGRICULTURE, FOOD & RURAL RESOURCES

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, Food And Rural Resources.
- 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 harborage 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. Equipments 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, Food And Rural Resources. ~~A license fee of \$10.00 shall accompany each application. Applications shall be accompanied by the appropriate fee as enumerated in Chapter 330, License Fees to Manufacture and Sell Food & Beverages.~~ **Application and Fee.** 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