**01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

 **DIVISION OF QUALITY ASSURANCE AND REGULATIONS**

**Chapter 330: LICENSE FEES TO MANUFACTURE AND SELL FOOD & BEVERAGES**

**SUMMARY**: The purpose of this chapter is to set forth the fee standards for licensing and applications to manufacture and sell food and beverages.

**1.** **Definitions**. For the purposes of this chapter and unless the context otherwise indicates, the following terms shall have the following meanings.

 A. **Apple Cider and Apple Juice** - means a beverage consisting of natural juice extracted from apples. Apple cider and apple juice may contain chemical preservatives.

 B. **Bakery** - means any place, premises or establishment other than a home food manufacturing establishment regulated by the Department of Agriculture, Conservation and Forestry, where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured.

C. **Beverage Plant** - means any place, premise or establishment, or any part thereof, where beverages are assembled, processed, manufactured, bottled or converted into form for distribution or sale and such rooms or premises where beverage product manufacturing equipment and containers are washed, sanitized and stored.

 D. **Commercial bakery** - means any bakery predominantly engaged in the preparation, processing or manufacture of bakery products for further distribution. All other bakeries shall be deemed retail bakeries.

 E. **Commissioner** - means the Commissioner of Maine Department of Agriculture, Conservation and Forestry or the Commissioner's designee.

 F. **Employee** - means the license holder, person in charge, person having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or other person working in an establishment or processing plant.

 G. **Food processing and manufacturing** - means an establishment in which food is processed or otherwise prepared and packaged for human consumption.

H. **Food Salvage Processing Establishment** - means an establishment that engages in reconditioning or by other means salvaging distressed foods and distributing such food either for charitable purposes or retailing on a non-profit basis.

 I. **Food Storage Warehouse** - means any building, establishment or place where food is stored as a commercial venture or business, or is stored in connection with or as a part of a business. Notwithstanding the foregoing, "food storage warehouse" does not include a storage facility for one kind of native produce such as an apple warehouse, potato warehouse, or carrot warehouse; a warehouse which is part of a "beverage plant" as defined in 32 MRSA §1751; a person's home or dwelling; or an eating establishment as defined in 22 MRSA §2491.7.

 J. **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.

 K. **License** - means the document issued by the Department that authorizes a person to operate an establishment or a processing plant.

 L. **Mobile Vendor** – means a mobile vehicle capable of moving or being moved from its site from which food is being sold or offered for sale in a form requiring further preparation or cooking before being suitable to eat or not packaged or served to the customer in a manner intended for immediate consumption. This does not include a mobile eating place which serves food for immediate consumption or a mobile vendor which sells primarily fresh produce, not including dairy and meat products.

M. **Poultry Grower/Producer Exempt** means a grower/producer of less than 1000 birds that meets the licensing requirements of CMR Chapter 348.

**2. Application and renewal**. A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee. Each application for, or renewal of, a license to operate a food establishment must be accompanied by a fee, determined by the commissioner in accordance with subsection 6, as follows:

A. **Retail Food Establishment**

 1. For 0 to 10 employees, annually $20.00

 2. For 11 to 25 employees, annually $50.00

 3. For 26 or more employees, annually $150.00

B. **Food Storage Warehouse**

 1. 0 to 10 employees, annually $20.00

 2. 11 to 25 employees, annually $50.00

 3. 26 or more employees, annually $150.00

 C. **Commercial Bakery** $50.00

D. **Bakeries**

 1. 0 to 10 employees, annually $20.00

 2. 11 to 25 employees, annually $50.00

 3. 26 or more employees, annually $150.00

E. **Mobile Vendor**

 1. 0 to 10 employees, annually $20.00

 2. 11 to 25 employees, annually $50.00

 3. 26 or more employees, annually $150.00

 F. **Food Processing and Manufacturing** $50.00

G. **Home Food Manufacturing** $20.00

 H. **Poultry Slaughter - Grower/Producer Exempt** ………………………...……….$50.00

I. **Food Salvage**

 1. 0 to 5 Employees, annually $30.00

 2. 6 or more Employees, annually $50.00

J. **Cider and Apple Juice**

 1. 0 to 10 employees, annually $20.00

 2. 11 to 25 employees, annually $50.00

 3. 26 or more employees, annually $150.00

 K. **Beverage Plant License**

1. 0 to 5 employees, annually $75.00

 2. 6 or more employees, annually $150.00

L. **Birch and Maple Syrup Processing**

 1. Less than 15 Gal Production, annually $2.00

 2. More than 15 Gal Production, annually $25.00

STATUTORY AUTHORITY: 22 MRSA §2168, 5, as amended by the 123rd Legislature, P.L. 539, 2167, 2514, sub-§5; 21 MRSA §2154

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CORRECTIONS:

 February, 2014 – agency names, formatting

AMENDED:

 April 26, 2022 – filing 2022-063, Section 2(L) (“Birch and” added)