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Home Caterers/Kitchen Policy

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Basis Statement: The Department prior to the adoption of the Maine Food Code has licensed Home Caterers for years. The public health concern has been the lack of refrigeration, the inability to maintain a clean kitchen in a family atmosphere, the lack of a dedicated handwash sink, and insufficient sinks.

Policy Statement: The Department of Health and Human Services, Health Inspection Program, will not license caterers in their home or home kitchens unless there is a separate, dedicated kitchen that meets the requirements of the Maine Food Code.

The Maine Food Code prohibits establishments of home catering/kitchens, in accordance with Section 6.202.111 of the Food Code, which specifies "a private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations, unless approved by the Regulatory Authority." In addition, Section 6.202.112 states "living or sleeping quarters located on the premises of a food establishment…shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors."

Further, Section 8-101.10 of the Food Code provides that "in enforcing the provisions of this Code, the Regulatory Authority shall assess existing facilities or equipment that were in use before the effective date of this Code based on the following considerations:

(1.)   Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition.

(2.)   Whether food contact surfaces comply with Maine Food Code Subpart 4-101.

(3.)   Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with 4.301.11; and

(4.)   Whether there exists a documented agreement with the licensee that the facilities or equipment will be replaced as specified under Maine Food Code §§8-304.11(G)-(H).