

INSPECTION AND REGULATIONS: MILLINOCKET FOOD SOVEREIGNTY POLICY

Section 1. Authority and Purpose.

- (1) Authority. Promulgated under authority of ____ of the Millinocket Town Code.
- (2) Purpose. The Town shall adopt rules as necessary to protect public health and ensure a safe food supply.
- (3) Adopted and Referenced. The Millinocket Town Council hereby adopts and references the applicable provisions of the Town's Food Sovereignty Policy.

Section 2. Definitions.

The following definitions apply in the interpretation and application of this rule:

- (1) "Departments" means the Code Enforcement and Public Health and Safety departments of the Town of Millinocket.
- (2) "Food Production Operation" is a producer and merchant of food products within the Town of Millinocket licensed by the Town of Millinocket under the Food Sovereignty Policy and the requirements herein.
- (3) "Permit" is the ability of a Food Production Operation to operate within the calendar year of the approval of Departments.
- (4) "Unprocessed Foods" means agricultural products that are whole and not cooked, canned, or otherwise changed or altered from their original state.

Section 3. Approval of Food.

- (1) Prior to producing food, a Food Production Operation shall:
 - (a) Fill out an application for a Food Production Operation to be designed and approved at the discretion of the Departments, and pay any applicable fees.
 - (b) Receive approval from the Departments to produce the food.

(2) A Food Production Operation may only sell foods to the fullest extent permitted by home rule authority under Title 30-A M.R.S. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S. §201, et. Seq.

Section 4. Production Requirements.

(1) A Food Production Operation shall:

- (a) Ensure that each operator holds a valid SafeServ permit;
- (b) Use finished and cleanable surfaces;
- (c) Maintain acceptable sanitary standards and practices;
- (d) Provide separate storage from domestic storage, including refrigerated storage; and
- (e) Provide for annual water testing if not connected to a public water system.

(2) A cottage food production operation is prohibited from all of the following:

- (a) Conducting domestic activities in the kitchen when producing food;
- (b) Allowing pets in the kitchen;
- (c) Washing out or cleaning pet cages, pans and similar items in the kitchen; and
- (d) Allowing entry of non-employees into the kitchen while producing food.

Section 5. Inspections, Permitting and Investigations.

(1) The Departments shall inspect a Food Production Operation:

- (a) Prior to issuing a permit for the Food Production Operation; and
- (b) If the Departments have reason to believe the Food Production Operation is in violation of this chapter, or administrative rule, adopted pursuant to this section, or is operating in an unsanitary manner.

(2) The Departments shall issue a permit to an applicant for a Food Production Operation if the applicant:

- (a) Applies for the permit;
- (b) Passes the required inspection pursuant to Section 4;
- (c) Pays any applicable fee required by the Departments; and
- (d) Meets the requirements of this Section.

(3) The Permit issued shall be displayed at the Food Production Operation, along with a valid ServSafe certificate. A copy of the permit shall be displayed at farmers markets, roadside stands and other places at which the operator sells food from a fixed structure that is permanent or temporary and which is owned, rented or leased by the operator of the Food Production Operation.

Section 6. Food Labeling.

(1) A Food Production Operation shall:

- (a) Properly label all foods in accordance with state and federal law;

(2) Label information shall include:

- (a) The name specified by regulation or, in the absence thereof, the name commonly used for that food or an adequately descriptive name;
- (b) A list of ingredients in descending order of predominance by weight, when the food is made from two or more ingredients;
- (c) The name of the food source for each major food allergen contained in the food unless the food source is already part of the common or usual name of the respective ingredient;
- (d) An accurate declaration of the net quantity of contents;
- (e) The name and place of business of the cottage food production operation;
- (f) The telephone number of the cottage food production operation;
- (g) Nutritional labeling unless the product qualifies for an exemption; and
- (h) The words "Locally Inspected" in bold letters and conspicuous on the principal label.

(2) Unprocessed foods are exempt from Section 2 subsections (b) and (g).

Section 7. Food Distribution and Storage.

(1) Food shall be obtained from sources that comply with the law.

(2) A food offered for sale shall be safe, unadulterated, and honestly presented.

(a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.

(b) Food or color additives, colored over-wraps, or lights may not be used to misrepresent the true appearance, color, or quality of the food.

(c) Food may not contain unapproved food additives, additives in unsafe amounts, or additives that exceed the amount necessary to achieve the needed effect.

(d) Food shall be protected from contamination, including contamination from chemical and pesticide hazards.

(3) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(4) Food that is unsafe, adulterated, or not honestly presented shall be discarded.

(5) Except for unprocessed raw agricultural products, foods shall not be displayed or stored on the ground.

(6) Ingredients used shall be in good condition, unspoiled and otherwise unadulterated. Ingredients cannot be used past the expiration date on the container if produced at a regulated food processing facility.

Section 8. Enforcement and Penalties.

A violation of any portion of this rule may result in civil or criminal action, a revoking of a permit, and/or a fine of no more than \$500 per offense.