

Permits, Licensing & Production Resources

October 9, 2018



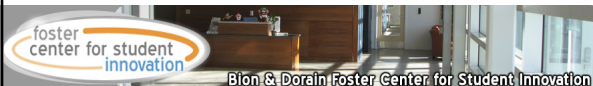
How Do I Prove I'm a Farm?

- Separate checking account
- Business cards/letterhead/website
- Farm association memberships
- Attend farm educational meetings
- Complete Agriculture Census
- Complete National Agricultural Statistics Service Surveys of commodities
- Schedule F - IRS



Business Assistance Resources

- Small Business Development Center
– www.mainesbdc.org/
- Maine Business Works
– <http://www.businessfinance.com/maine-business-works.htm#axzz4eWPfdJA>
- University of Maine Innovation Center
– <https://umaine.edu/innovation/>



Bion & Dorain Foster Center for Student Innovation

Business Assistance Resources

- Maine Dept. of Ag Conservation and Forestry – 287-3871
- Natural Resource Conservation Service – local offices
- USDA Farm Service Agency – local offices
- [Maine Department of Economic and Community Development](http://www.maine.gov/economic-development/) (207) 624-9800
- [Coastal Enterprises Inc](http://www.coastalenterprisesinc.com/) (CEI) 207-504-5900
- [Maine Farmland Trust](http://www.maine-farmland-trust.org/) (207) 338 – 6575
- [SCORE](http://www.scoreinc.com/) (207) 536-1143

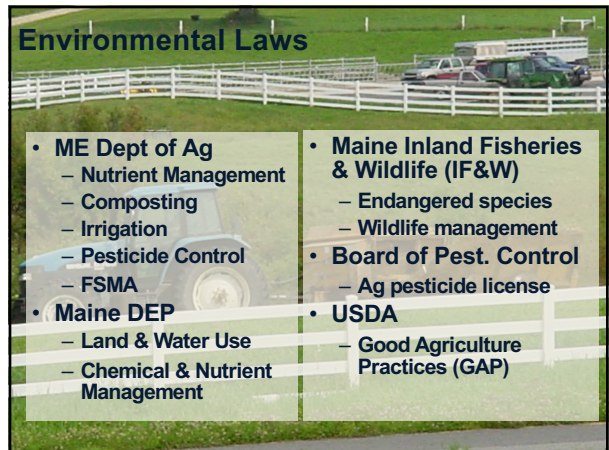
Farm Insurance

- Homeowners does NOT cover farm operations
- Only three insurance companies in Maine cover farms
– [Farm Family](http://www.farmfamily.com/)
– [CountryWay](http://www.countryway.com/)
– [Maine Mutual](http://www.maine-mutual.com/)
- Employer's insurance
– Workers comp
- Product insurance
- Crop Insurance
– Contact commercial insurance agent
– Online resource
• <http://extension.umaine.edu/cropinsurance/>



Environmental Laws

- ME Dept of Ag
– Nutrient Management
– Composting
– Irrigation
– Pesticide Control
– FSMA
- Maine DEP
– Land & Water Use
– Chemical & Nutrient Management
- Maine Inland Fisheries & Wildlife (IF&W)
– Endangered species
– Wildlife management
- Board of Pest. Control
– Ag pesticide license
- USDA
– Good Agriculture Practices (GAP)



Agriculture Best Management Practices

- Erosion & sediment control
- Manure
- Pests
- Nutrients
- Irrigation
- Livestock
- Odor
- Insects
- Noise
- Farm



Right to Farm Law

- Protects farmers from nuisance complaints provided they are following BMPs.
- Agriculture compliance officer will investigate complaint and work with farmer to mitigate relations with neighbors and suggest changes in farm practices



Zoning

- Check with your local town or city
- Maine Municipal Association



Signs

- Official directional signs
 - Maine Dept. of Transportation
 - \$30 annual fee
 - <https://www1.maine.gov/vmdot/traffic/>
- Categorical Farm Business Signs
 - Only from May 1st to Dec. 31st
 - 33 feet from center of road
 - 8 square feet
 - Within 1,000 feet of farm stand property



Taxes

<http://www.maine.gov/revenue/forms/sales/salesforms.htm>

- State Sales Tax
 - Food eaten off premises not taxed
- Agricultural Exemption from paying sales tax
 - Farm equipment
 - Some supplies



Farm Vehicles

- Registration
 - Farm
- Inspection
 - Regular
 - Farm – within 20 miles
- Weight limits
- Slow moving vehicles
- Off road use of fuel
 - Exempt from tax
- Sales tax exemption for some farm purchases

<https://www.maine.gov/revenue/forms/homepage.html>



Quality Assurance & Regulations

Applications & Forms

Documents below are provided in PDF or Microsoft Word formats. To view PDF documents, you will need Microsoft Word or the free [Word Viewer](#).

Food & Fuel

Food and Fuel License Application (DOC 236KB)

Licensing in Maine

Dairy

- Dairy License Application (DOC 209KB)
- PowerPoint Presentation by Linda Stahlnecker

Maine Department of Agriculture, Conservation and Forestry, Division of Quality Assurance and Regulation – application forms

Food, Seed & Fertilizer

Weights & Measures

- Wood Scaler / Apprentice Wood Scaler License Application (DOC 110KB)
- Dealer / Repair person / Weighmaster License Application (DOC 159KB)
- Meter In-Service Report (PDF 86KB)
- Placed In-Service Report for Scales (PDF 89KB)
- Placed In-Service Report for Motor Fuel Dispensers (PDF 82KB)

Fruits & Vegetables

- Small Grains, Potatoes, or Dry Beans License Application (PDF 159KB)
- State of Maine Quality/Trademark License Application (PDF 609KB)
- Controlled Atmosphere Registration Application (PDF 28KB)

THE UNIVERSITY OF MAINE Cooperative Extension

Penobscot County

Licensing in Maine

- <https://extension.new.umaine.edu/penobscot/sywtfm/more-resources-for-session-3/>

Rules and Regulations

- Resources for information on Maine laws and regulations affecting Direct Sales of Farm Products (Excel)
- Home Food Manufacturing (Word)
- Chapter 345: Home Food Manufacturing (Word)
- State of Maine Food Licensing
- Maine Food Statutes
- Recipe to Market: How to Start a Specialty Food Business in Maine, UMaine Extension
- Selling Eggs in Maine, UMaine Extension
- On-Farm Poultry Processing for Small Flocks in Maine, UMaine Extension
- EBI For Farmers
- SNAP Guide for Farmers Markets
- Maine Electronic Benefits --- Maine Federation of Farmers' Markets
- WIC for Maine Farmers
- Implementing WIC & SNAP at Maine Farmers' Markets (PDF), Maine Dept. of Agriculture, Conservation & Forestry
- Maine Department of Transportation
- Maine Department of Environmental Protection
- Maine Inland, Fisheries and Wildlife
- Maine Department of Public Safety
- Federal Alcohol and Tobacco Tax and Trade Bureau

THE UNIVERSITY OF MAINE Cooperative Extension

Maine Food Sovereignty Law

- An Act to Recognize Local Control Regarding Food Systems, LD725, took effect on November 1, 2017.
- LD725 applies only to sales conducted at farms and homes where the food was produced and only in towns that have formally declared food sovereignty.
- Excludes meat and poultry processing.
- Does not apply to Farmer's Markets or any off-site location.

THE UNIVERSITY OF MAINE Cooperative Extension

Should you get licensed?

- To sell at anywhere outside your town, you still need proper state certification.
- Check with insurance agent about liability insurance if you don't follow state requirements.
- Consumers consider food safety a priority, and may look for certified vendors. Competitive advantage?

THE UNIVERSITY OF MAINE Cooperative Extension

What is Regulated?

Food Safety

- Consumer Food Inspection
- Red Meat and Poultry Inspection
- Fruit and Vegetable Inspection
- Poultry and Egg Grading
- Dairy and Cheese

THE UNIVERSITY OF MAINE Cooperative Extension

What is Regulated?

Food Safety

- Home Food Processing
- Weights and Measures
- Farmers Markets and Roadside Stands
- Licensing
- Apiary
- Wine and Spirits
- Interstate commerce?



Animal Regulations

- Protection from contagious disease
 - Bio-security Plan for Farm
 - Farm Veterinarian
- Protection from owner abuse
 - Maine Animal Welfare
- Licensing in Maine
 - Livestock dealers
 - Auctions
 - Slaughter houses
 - Pulling events

Slaughtering Livestock & Selling Meat

- Can sell live animal without inspection
 - Can then be slaughtered at custom-exempt slaughter facilities if for home use only
- Meat sold in Maine must be from USDA or Maine inspected plant



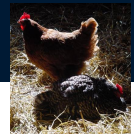
- Poultry
 - Not many options for inspected poultry slaughter

- State list – https://www.maine.gov/dacf/qa/inspection_programs/red_meat_poultry_inspection.shtml

To Sell Cuts of Meat

Maine Dept. of Ag, Conservation and Forestry
(207) 287-3841 Must hold license for:

- Retail Food Establishment (sales from farm, farm stand or store)
- Mobile Vendor (sell at Farmers' Markets, door-to-door)
- Wholesale Distributor of Meat & Poultry Products (sell to retail stores for resale)



Eggs

- No license or inspection if less than 3,000 birds
- Regulations
 - Name, address and zip code
 - Eggs in carton must match labeled grade, size & color
- Encouraged
 - Product liability insurance
- If reusing cartons
 - Obliterate USDA shield and other info that doesn't match eggs in carton
- Must state that refrigeration is required
 - Must be stored and transported at 45 degrees or less

Milk & Milk Products

- Cheese from pasteurized milk unless aged
- Need a Grade A license/Dairy Inspections
 - Division of Animal and Plant Health, Maine Dept of Agriculture, Conservation and Forestry

Contacts: (207) 287-3841

Raw Milk and Milk Products

- Must follow specific guidelines
- Regulated by licensing, inspection, labeling and sampling



Livestock Production Info

- <https://extension.umaine.edu/penobscot/sywtfim/course-resources/UMaineExtension>
- UMaine Extension
- Maine Organic Farmers and Gardeners Association
- New England Small Farm Institute
- eXtension
- Sheep Goat Marketing Information
- National Pork Producers Assoc.
- National Cattlemen Association
- Oklahoma State – Breeds of Livestock
- Internet searches use
 - Site:edu
 - Site:gov
 - Site:org

Crop Production Information



<https://extension.umaine.edu/penobscot/sywtfim/course-resources/UMaineExtension>

Natural Resource Conservation Service
Maine Organic Farmers and Gardeners Association

- [ATTRA](#)
- [eXtension](#)
- Commodity Associations
- Internet searches use
 - Site:edu
 - Site:gov
 - Site:org

Pest Identification and Control



- UMaine Extension Insect Pests and Plant Disease
 - <http://umaine.edu/ipm/>
- Food Growers or Private Pesticide Applicator License
 - [Maine Board of Pesticide Control](#)
- Organic Certification
 - [MOFGA](#)

Sales

Wholesale, Retail, Direct to Consumer?

- Pick Your Own
- Senior Farm Share
 - Farmer sign-up in January
 - Customer sign-up March - April
- Farmers Markets
- CSAs



What About GAP?

- GAP = Good Agricultural Practices
- Audit Program - certifies farmers who meet specific food safety guidelines "paper trail"
- May be voluntary for your product or required
- <https://extension.umaine.edu/potatoes/gap-self-audits-and-documentation/>



What About FSMA?

- FSMA = Food Safety Modernization Act
- Food Safety Program – inspections for farmers must meet specific food safety guidelines "paper trail"
- Written food safety plan may be required
- <https://www.maine.gov/dacf/gar/fsma/index.shtml>



Selling Crops

- Fresh fruits & vegetables
 - By piece -
 - If by weight – sealed scale (oz., lbs.)
 - If by volume – standard size (pint, quart, bushel, etc.)
- Cider - pasteurized
- Selling plants
 - Nursery license
- Seeds -
- Feed
- Fertilizer

Plant Regulations-Division of Plant Health



- **Protect from invasive plants and blights**
- **Maintain plant resource**
- **Restrict spread of regulated plants and diseases**
 - Transportation in & out of state
 - License nurseries to sell plants
 - License beekeepers/bee hives



Live Plants

- Shrubs
- Trees
- Seedlings
- Houseplants
- NOT Xmas trees or cut flowers

License & Inspection
 Maine Dept. of Ag, Con, & Forestry Horticulture Program
<https://www.maine.gov/dacf/php/horticulture/index.shtml>

Forestry Production

- Selling maple syrup or sap
 - Maple syrup processing license
- Firewood – Dept. of Ag, Weights and Measures – Celeste Poulin 287-3841
 - By cord – needs to be that size
 - By truckload
 - By pile
- Gathered products/Non-timber forest products – some are regulated



Pricing

Cannot misrepresent pricing to mislead or deceive a person

- Recommend prices posted with selling unit
 - \$0.50/lb.
 - \$1.00/ qt
 - \$0.75 each



Finding Price Information

- Fruits & Vegetables -
 - <https://marketnews.usda.gov/mnp/dataDownload>
- Livestock & Field Crop
 - <https://www.ams.usda.gov/market-news/livestock-grain-market-news-publications>
 - Country Folks Newspaper
- Organic
 - www.mofga.org
 - Publications
 - Organic Price reports

Weights & Measures

- Scales
 - Sealed by state inspector
 - Subject to inspection
- Maine Department of Ag, Conservation, & Forestry
 - Division of Quality Assurance and Regulation

Value Added Foods

- 
- ME Dept of Ag, Division of Quality Assurance & Regulations
 - Specialty food business (also FDA & USDA)
 - Home Food Manufacturing (345)
 - Sanitary Facilities
 - Potable water
 - Food protection
 - Labeling
 - Mobile vendors license
 - Recipe analysis
 - Processor License
 - HACCP training
 - [Recipe to Market](#)
 - UMaine Extension
 - Northeast Center for Food Entrepreneurship
 - www.nysaes.cornell.edu

Home Food Manufacturing

Jams, jellies, pickles, breads, muffins, maple syrup products, etc.

- Kitchen design & construction
- Equipment & utensils
- Sanitary facilities & control
- Food protection
- Labeling
- License
 - Maine Department of Agriculture
 - Division of Quality Assurance and Regulation
- Nutrient content analysis
 - [UMaine Process and Product Review Testing](#)

Value Added - Food Processing

- Product
 - Recipe (process & ingredients)
 - Samples (for testing)
- Labeling
 - Information panel
 - Ingredients
 - Nutrition info optional for some products
 - Allergen labeling
 - Types of nutrient / health claims
 - Sell or use by date



Food Allergens

8 foods account for 90 percent of allergic reactions:

- Milk
- Eggs
- Peanuts
- Tree nuts (almonds, cashews, walnuts)
- Wheat
- Fish/shellfish (bass, cod, flounder, crab, lobster, shrimp)
- Soy
- Sesame
- *Sulphites*
- *Mustard, canola*

Allergen Labeling

- **What foods are labeled?** Domestic or imported packaged food is required to have a label that lists whether the product contains one of the eight allergens.
- **What allergy information is included on the label?** type of allergen; as well as any ingredient that contains a protein from the eight major food allergens
- **What foods aren't labeled?** Fresh produce, fresh meat

Value Added Food Processing

- Food Processor
 - License for facilities
 - Low hazard foods
 - High hazard foods
 - Meat & poultry
 - Milk & milk products*
 - Eggs
 - Maple syrup
 - Honey



*Raw milk must follow specific guidelines. Regulated by licensing, inspecting, labeling & sampling.

Packaging & Labeling

Fresh produce not affected



- Processed foods must have labels
 - Identity of commodity
 - Name and place of business, manufacturer, packer or distributor, batch code
 - Net quantity of contents
 - Weight
 - Measure
 - Count

Natural, Health, or Native?

- These terms are legally meaningless
- Use at your own discretion



Alcohol

- Wine and spirits
 - Federal license & label requirements
 - Highly regulated
 - Note: if you only produce for yourself you are not allowed to give it as a gift or consume away from your home
- http://www.maine.gov/dafs/bablo/liquor_license/index.htm

Honey



- Apiary License
- Maine Department of Agriculture – Division of Plant Industry
- Swarm collectors

Custom Services



- Plowing
- Planting
- Harvesting
- Storage
- Pasture

<http://aalternatives.aers.psu.edu/>

Where do I find farm related supplies, equipment, services?

- White & Yellow pages
- Farm Stores
 - Uncle Henry's
 - Paper & online
- Farm Auctions
- Classified ads
 - Local papers
 - Regional papers
 - Farm press
- Ask other farmers
- Craig's List
- eBay
- Internet searches



Influencing Farm Policy

- How can I influence state farm policy?
 - Maine Farm Bureau
 - MOFGA
 - AGCOM
 - State Representatives and Senators
- How can I influence federal farm policy?
 - American Farm Bureau
 - US Representatives and Senators