

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

S.P. 487 - L.D. 1409

An Act To Reduce Regulations for Small Nonalcoholic Beverage Producers

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation removes a statutory barrier that currently prevents entrepreneurs from opening new nonalcoholic beverage manufacturing and bottling businesses in the State, which causes Maine to lose the economic benefit that these new businesses can provide; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §1751, sub-§4-A is enacted to read:

4-A. Small beverage producer. "Small beverage producer" means a person or beverage plant that manufactures or bottles no more than 10,000 gallons of beverages a year.

Sec. 2. 32 MRSA §1852 is amended to read:

§1852. Plant requirements

Every beverage plant used for the preparation, manufacture and bottling of any beverage ~~shall~~ must be adequately lighted and ventilated and all floors ~~shall~~ must be constructed of cement, concrete or tile laid in cement or other material impervious to water, and ~~shall~~ must have sufficient pitch to ~~insure~~ ensure drainage; walls and ceilings ~~shall~~ must be varnished or painted in light color and kept clean; doors, windows and other openings of any room in which beverages or the ingredients of such beverages ~~shall be~~ are prepared ~~shall~~ must be screened. Wash basins, sinks and toilets ~~shall~~ must be provided for employees. ~~No~~ A toilet ~~shall~~ may not open directly into any room used for the

preparation or bottling of any beverage. The syrup room ~~shall~~ must be separately enclosed, well ventilated and lighted, provided with sinks and taps for hot and cold water, thoroughly protected against vermin, flies, dirt and dust and so constructed as to be easily cleaned.

~~Every~~ Except for a small beverage producer, every beverage plant shall must be equipped with mechanical container-washing apparatus and machinery, and with mechanical and sanitary machines for bottling and for carbonating, if carbonated beverages are manufactured. A small beverage producer may wash and fill glass beverage containers by hand and carbonate beverages by hand if all other requirements of this section are met.

All machines, apparatus, vessels, fountains, tanks or other equipment, caps and ingredients used in the manufacture of beverages ~~shall~~ must be kept in a sanitary condition. No vessels or tanks ~~shall~~ must be used for syrup mixing or for storing such mixed syrup unless they are of glass or stainless steel, porcelain lined, block tin lined or made of some other suitable impervious material.

Beverage plants ~~shall~~ must be located in buildings so constructed that the bottling operation is performed in separate rooms, but such construction ~~shall~~ must allow for modern practices in the loading or unloading of trucks in the same rooms, and for modern practices in the use of conveyor systems or other means of mechanical handling.

Sec. 3. 32 MRSA §1854, as amended by PL 1977, c. 696, §242; PL 1979, c. 731, §19; and PL 2011, c. 657, Pt. W, §6, is further amended to read:

§1854. Cleaning of containers

All reusable glass containers used in the manufacture of beverages ~~shall~~ must, before being filled or refilled, be thoroughly cleaned and sanitized by washing ~~in an automatic washing machine~~ in a solution of not less than 3% caustic alkali, at a temperature not lower than 110° Fahrenheit to be followed by a rinsing in potable water. All other reusable and all single service containers ~~shall~~ must be cleaned and sanitized before being filled or refilled by suitable means approved by the Commissioner of Agriculture, Conservation and Forestry.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.