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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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STATE OF MAINE

SENATE

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” to S.P. 487, L.D. 1409, Bill, “An Act To Reduce Regulations for Small Nonalcoholic Beverage Producers”

Amend the bill by inserting after the title and before the enacting clause the following:

'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,'

Amend the bill in section 1 in subsection 4-A in the 2nd line (page 1, line 4 in L.D.) by striking out the following: "50,000" and inserting the following: '10,000'

Amend the bill in section 2 in §1852 in the 2nd indented paragraph by striking out all of the last sentence (page 1, lines 23 and 24 in L.D.) and inserting the following: '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.'

Amend the bill by striking out all of section 3 and inserting the following:

'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~~

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

6 Amend the bill by adding before the summary the following:

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

9 **SUMMARY**

10 This amendment adds an emergency preamble and emergency clause to the bill.
11 Unlike the bill, which applies to producers that manufacture or bottle no more than
12 50,000 gallons of beverages annually, the amendment gives small nonalcoholic beverage
13 producers that manufacture or bottle no more than 10,000 gallons of beverages annually
14 flexibility in the method by which they clean and sanitize reusable glass beverage
15 containers, as long as they use the required 3% caustic alkali sanitizing solution. The
16 amendment also permits small nonalcoholic beverage producers to bottle and carbonate
17 their products by hand, rather than through the use of machinery, as long as all other
18 sanitary requirements are met.