

**Maine Department of Agriculture, Conservation and Forestry**  
**Quality Assurance and Regulations (207) 287-3841**

All information on this page provided by Ronda H Stone, Consumer Protection Inspector, Maine Department of Agriculture, Conservation and Forestry (January 2015).

Click for a printable PDF version of this guide: [DACF Farmers Markets reference guide \(2-19-15\)](#)

**License Requirements**

**Mobile Vendor License** – allows for off-premise sale of food from an \*approved source.

- Maine-grown unprocessed produce vendors do NOT need a mobile vendor license.
- Egg producers with fewer than 3,000 layers do NOT need a mobile vendor license.
- Food preparation is NOT permitted with this license.

**-Vendors wishing to prepare or serve food on site must obtain a license from DHHS Health Inspection Program (HIP)**

**- DACF Quality Assurance and Regulations does not regulate** skin care products and lip balms, candles, seedlings, bedding plants. All balms and lotions fall under the FDA jurisdiction – 207.622.8268 for questions. Seedlings and bedding plants are regulated by Animal and Plant Health – 207.287.3891.

\*An approved source would have one or more of the following licenses:

- Home Food Processing
- Commercial Food Processing
- Retail License with prepared food authorizations
- Maine Milk Distributors License/Frozen Dessert Manufacturer
- Less than 1000 bird exemption registration

Home Food and Commercial Food Processors are permitted to manufacture and sell only those foods for which

they have received authorization. For example; a processor approved for bakery items may not sell pickles.

(Acidified foods such as pickles, relishes and sauces require a process review by UMaine)

All licenses can be obtained from the Department of Agriculture, Conservation and Forestry, Quality Assurance and Regulations. A license application can be requested by calling 207.287.3841 or downloaded @ [http://www.maine.gov/dacf/qar/permits\\_and\\_licenses/application\\_forms.shtml](http://www.maine.gov/dacf/qar/permits_and_licenses/application_forms.shtml).

### **Packaged Food:**

All packaged food must be labeled to include: common name of food, list of ingredients, allergen statement, name and address of manufacturer, declare weight/volume.

- The common name of food is that name which is most recognizable by the consumer.
- List ALL ingredients including those found in a commercially prepared ingredient such as shortening, peanut butter, chocolate chips. There may be allergens contained in those products as well as ingredients with a high frequency of sensitivity such as MSG, sulfites and food dyes. Example: Flour, sugar, peanut butter (roasted peanuts, sugar, palm oil and salt), etc.
- Allergen Statement: On the line below the ingredients include the allergen statement-

Contains: then list any allergens from the big eight (Wheat, soy, milk, egg, peanuts, tree nuts, fish and shellfish).

List each tree nut by name (walnut, almond, pecan etc.). List each fish and/or shellfish by common name.

**Or embolden** allergen name in the ingredient list; flour (**Wheat**), butter (**Milk**), sugar, **eggs**, etc.

- Address: **Must include street, number and zip code.** If your **business** is listed in a phone directory you are permitted to list just the city, state and zip code.

### **Unpackaged Food:**

- Must be protected from contamination: covered or in a display case
- Hand washing supplies **MUST** be available.
- Gloves or sanitary papers must be used.
- **NO BARE HAND CONTACT WITH FOOD.**

**Mobile Hand washing supplies include.**

110°F Hot water

Soap

Paper Towels

Waste receptacle

Hot water can be transported to the market in an **insulated** drink cooler (spigot is located along the bottom of the cooler).

**Any vendor handling unpackaged food, even samples, must bring hand washing supplies.** Hand washing supplies may be shared between neighbor vendors if conveniently located so both vendors have easy access.

**Potentially Hazardous Foods:**

**Packaged** hot and cold foods from an approved source (commercial processing or retail) may be sold at markets.

Coffee, ice tea, lemonade etc. may be prepared in the licensed food facility and then brought to the market in self-serve vessels. Vendor is not permitted to serve the customer under the DACF Mobile Vending license.

Foods requiring refrigeration must be held under refrigerated conditions during the market. This may be accomplished using a cooler and ice or chemical ice packs. Cooler must keep food at 41°F or below. **ALL** coolers must have a thermometer so cooler temperature can be monitored.

Packaged hot foods must be held at 135°F or a log must be maintained indicating the time and temperature of the food when leaving the licensed commercial food or retail establishment and the time the food was sold out or destroyed. **If food is NOT held at 135°F it must be discarded after 4 hours.**

### **Point of Purchase Bulk Sales:**

Foods sold by weight must be weighed on a Class III scale and have a current Weights and Measures Seal. Scales

tested by Weights and Measure personnel in other states are accepted. Towns may have a local sealer who can

test scales, or towns may use DACF Weights and Measures as their local sealer. To learn who tests scales in a

specific town call DACF at 287-3841

### **More detailed Information**

#### **Licenses:**

The DACF **Mobile Vending License** allows for off-premise sale of food from an \*approved source. On-site food preparation is not permitted under this license.

**Vendors wishing to prepare or serve food on site must obtain a license from DHHS Health Inspection Program (HIP).**

**\*Approved source** – Vendor operating under a Current License

– Home Food Processing

-Commercial Food Processing

-Maple Syrup Producer

-Retail License with prepared food authorizations

-Maine Milk Distributors License/Frozen

Dessert Manufacturer

-Registration for less than 1000 Bird Exemption

**Home Food Processing License** – Allows for the manufacturing of shelf-stable foods only.

- Bakery
- Jams and Jellies\*
- Acidified Foods\*, pickles, relishes, sauces
- Herbs
- Chocolates and Confections
- Honey (raw honey in the comb does not require a processing license)

**Traditional Jams/Jellies:** Naturally acidic fruits commonly used for jams and jellies containing sugar, pectin and fruit; **strawberry, raspberry, blackberry, blueberry or any combination of these berries.** Vendors should request an email from UMaine stating a recipe is safe when contacting UMaine with a recipe and is told a process review is not necessary. Reduced sugar jams and jellies require a process review. ***UMaine recommends all jams and jellies be submitted for process review to verify that Standards of Identity has been met.***

\*Non-traditional jams and jellies and acidified foods require a Process Review conducted by a Process Authority (UMaine).

- The process approval from UMaine will identify each product reviewed.
- Only those products that have received process approval may be sold to consumers.
- Processors should make process approvals available to Market Managers to allow the Market Manager to verify food is from an ‘approved source’.
- Home Food License will specify what foods have been authorized. A vendor with only a bakery authorization is not considered an ‘approved source’ for pickles.

**Commercial Food Processing License:** Allows for the manufacturing of both shelf-stable and non shelf-stable foods. License will indicate food(s) the firm is authorized to manufacture.

- Bakery (breads, rolls, pies, cakes, cookies)
- Jams, jellies
- Acidified foods (sauces, pickles, relishes)
- Dehydrated foods

- Chocolates and confections
- Beer, wine, distillery product
- Seafood, lobster
- Processed fruit/produce

**Maple Syrup Producer License:** This license approves the producer for maple syrup only. Value added maple products such as maple candy requires either a Home Food or Commercial Food Manufacturing Licensed.

**Retail License:** This license allows for the manufacturing of both shelf-stable and non shelf-stable foods with the proper authorizations:

- Cold Foods prepared on site
- Bakery items prepared on site
- Hot foods prepared on site
- Coffee/tea prepared on site

A retail license with only a prepackaged food authorization would NOT be an approved source for any food manufactured at the retail location. ***Check authorizations***

**\*Seafood Mobile Vendor** – Will also need a Retail License(s) from the Department of Marine Resources. Lobster meat requires a Lobster Meat permit. DMR contact number is 207.624.6550

**\*Beer, wine, spirits Mobile Vendor** – Will also need a retail license from Liquor Enforcement. Contact number for Liquor Enforcement is 207.624.7220.

**\*Meat and Poultry** – All meat and poultry vendors will have a ***retail meat license***.

Vendors selling Poultry that was **NOT** processed under inspection will operate under:

- Commercial Processor License
- Registration for Less Than 1000 Bird Exemption

\*All red meat must be processed under inspection.

\*Game meats and meat marked **Not For Sale** may not be offered for sale.

**Maine Milk Distributors License/Frozen Dessert Manufacturer** – Any dairy based food produced or manufactured by the vendor requires this license. Examples of such products:

- Milk
- Cheese
- Yogurt
- Ice Cream

### **MARKET RULES**

- All food must be prepared at the licensed facility – (No food preparation at Markets under DACF MV License)
- Refrigerated foods must be maintained at 41°F or below
- All packaged food must be adequately labeled
- All unpackaged food must be adequately protected from contamination
- All vendors handling unpackaged food, even samples must bring hand washing supplies
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### **Refrigerated Foods**

Refrigerated foods must be maintained at 41°F or below

- Each cooler must have a thermometer to allow the vendor to verify refrigerated conditions.
- Ice or chemical ice packs may be used.
- If ice is used as a coolant the food must be packaged so not to come in direct contact with the ice.
- Ice should be from an approved source; do not use snow.
- Eggs must be refrigerated.

### **Labeling**

- Identify food with the common name (easily recognized by the customer)

– List of ingredients

\* Identify all ingredients including those used to manufacture a commercially prepared ingredient such as:

- Peanut Butter, Mayonnaise, Chocolate Chips, Chocolate, Shortening etc. Such ingredients may contain allergens or ingredients known to have a high sensitivity.

\*- Allergens

- May be declared in the body of the ingredient list by embolden print and clearly stating the allergen. Example: Flour (**wheat**), butter (**Milk**) etc. Allergens may also be declared with an allergen statement immediately following the ingredient list: **Contains: Wheat and milk.** Big 8 Allergens are: Wheat, Soy, Egg, Milk, Peanuts, Tree nuts (*list nut by common name: almond, walnut etc.*), Fish (*list by common name: haddock, salmon etc.*) and Shellfish (*list by common name: lobster, crab etc.*).

– Name and address of manufacturer/processor. Must provide a physical address with zip code to include street name and number if business name is not listed in a phone directory. Websites and PO Boxes are NOT considered a physical address.

– Declare weight/volume

Additional labeling requirements:

**Acidified Foods:** Must indicate a lot ID on each container. Lot ID is required by the FDA for interstate commerce. Can be found on the label, separate sticker etc.

**Maple Syrup:** Must be labeled to include GRADE.

**Eggs:** Name & address of packer, Grade, Size, Weight or count, Keep Refrigerated. If packed in used cartons the USDA shield and the high grade declarations must be obliterated.

**Apples:** If sold bulk or in open packages or containers identify the variety and grade.

Closed packages or containers must be labeled with: Name and address of owner or shipper at time of packaging, variety, class or grade, minimum size or numerical count/volume of the apples in the container and if the apples were grown in Maine, that fact must be clearly stated.



**Potatoes:** Bulk or in open packages or containers when price/lb. is quoted on displays, commodity name must be marked – Example: Russet Potatoes. Grade (suggested). Closed packages or containers must be labeled with: Name and address of person responsible for packing, Grade, Net Weight, and the word ‘Potatoes’.

## **Poultry**

### **– Less than 1000 bird exemption (DACF Registration Application)**

(1) The name of the farm, the name of the poultry producer and the address of the farm including the zip code;

(2) The statement “Exempt under the Maine Revised Statutes, Title 22, section 2517-C NOT INSPECTED”; and

(3) Safe handling and cooking instructions as follows: “SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165° Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard.”

### **– Exemption for processing under 20,000 birds (commercial license)**

(1) Producer’s name, address and zip code

(2) Common name of product and list of ingredients

(3) Weight of product in shipping container or immediate container

(4) Lot number, which must consist of a coded number in some combination of the number of the day of the year on which the poultry was slaughtered;

(5) The statement “Exempt P.L. 90-492”; and

(6) Safe handling and cooking instructions as follows: “SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165° Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard.”

**Red Meat** (Beef, Pork, Lamb, Goat etc.) must be processed under inspection and must have a 'mark of inspection' on the label. May be USDA or Maine State Inspected. Any meat marked as 'Not For Sale' has not been processed under inspection and is **NOT** considered from an approved source.

### **Unpackaged food must be protected from contamination**

- Customers: Customers handling food may not have adequate hand washing practices.

Norovirus; oral/fecal transmission

- Flies: Vomit before eating
- Birds: Fecal bombs
- Must be some type of barrier between unpackaged food and potential contaminants
  - Display case
  - Covered container
  - Clear plastic drape

- **Hand washing Supplies:** Required by any vendor handling unpackaged food including free samples.

Insulated drink cooler with spigot containing 100°F water

- Soap
- Paper Towels
- Waste receptacle to catch waste water

- **Washing Hands**
  - After setting up table hands must be washed before handling unpackaged food.
  - Setting out samples
  - Placing bakery items in a display case

- **No bare hand contact with unpackaged food**

- Gloves
- Sanitary paper
- Tongs
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**No food may be prepared at a market under a DACF Mobile Vending license.**

Hot or cold foods may be prepared, packaged and labeled at the commercial kitchen or retail facility and brought to the market as a grab-and-go food.

- **Hot grab-and-go foods** must be held at **135°F or above** at the market or destroyed after 4 hours (meals, pizza, soups etc.). If hot grab-and-go food is not going to be held at 135°F the vendor must have a log indicating the time the food was packed up for the market. The vendor has 4 hours from the time the food was packed up to 'use it or lose it'. Vendors attempting to maintain 135F must monitor the food temperature upon arrival at the market and again in 1 hour if the market runs longer than 4 hours. This log must be made available when requested.

Market managers should be checking for logs as well as checking that expired food is removed from sale.

- **Cold grab-and-go foods** must be held at **41°F or below** at the market or destroyed after 4 hours (sandwiches, salads etc.)

If cold grab-and-go food is not going to be held at or below 41°F the vendor must have a log indicating the time the food was packed up for the market. The vendor has 4 hours from the time the food was packed up to 'use it or lose it'. Vendors attempting to maintain grab-and-go food at 41°F must monitor the food upon arrival at the market and again in 1 hour if the market runs longer than 4 hours. This log must be made available when requested.

Market managers should be checking for logs as well as checking that expired food is removed from sale.

– Vendors selling grab-and-go food under refrigerated or heated conditions must have a thermometer to monitor food temperatures.

– Sanitize thermometer

- Monitor hourly
- Maintain a record of food temperatures
- Destroy after 4 hours if food temperatures fall into the danger zone of 42°F to 134°F.
- Thermometer must be present in the cooler or heated case

**Pet Food** – must be registered with DACF. Each product will be registered separately and will be labeled to include a nutrition panel. Vendor will have a registration document from DACF. Mobile vending license is not required. Process license not required.

License Reference Guide

Food	Retail License	Commercial Food Processing	Home Food Processing	Maple Syrup Producer	Mobile Vending	Retail Meat License	Dairy	Registration for less than 1000 bird exemption	Liquor Enforcement	DMR
Bakery	✓	✓	✓		✓					
Butter Cream Frosting	✓	✓			✓					
Cheesecake	✓	✓			✓					
Ice Cream Cake	✓	✓			✓					
Ice Cream Cookie	✓	✓			✓					
Confections	✓	✓	✓		✓					
Jams and Jellies	✓	✓	✓		✓					
Sauces*	✓	✓	✓		✓					
Relish*	✓	✓	✓		✓					
Pickles*	✓	✓	✓		✓					
Shelf-Stable Salsa*	✓	✓	✓		✓					
Fresh Salsa	✓	✓			✓					
Herbs packaged	✓	✓	✓		✓					
Meat Pies	✓				✓					
Fruit Pies	✓	✓	✓							
Quiche	✓	✓			✓					
Stuffed Bread	✓	✓			✓					
Stuffed Bread w/ meat	✓	✓			✓					
Flavored oil*	✓		✓		✓					
Beer		✓			✓				✓	
Wine		✓			✓				✓	
Distilled Alcohol		✓			✓				✓	
Cooked Lobster Meat	✓	✓			✓					✓
Seafood					✓					✓
Cheese					✓		✓			
Yogurt					✓		✓			
Ice Cream					✓		✓			
Butter					✓		✓			
Poultry		✓			✓	✓		✓		
Red Meat					✓	✓				
Honey		✓	✓		✓					
Honey in the comb										
Eggs (less than 3000 layers)										
Local Produce										
Soups	✓	✓			✓					
Humus	✓	✓			✓					
Grab and Go Foods	✓	✓			✓					
Maple Syrup				✓	✓					
Unprocessed mushrooms										
Unprocessed Unpackaged Herbs (dried)										
Packaged Tea		✓	✓		✓					
Roasted Coffee beans, ground		✓	✓		✓					
Cider	✓	✓			✓					
*Fermented	✓	✓			✓					
	Retail	Commercial	Home Food	Maple Syrup	Mobil Vendor	Retail Meat	Dairy	Under 1000 birds	Liquor Enforcement	DMR

\* Must have approval from a process authority (UMaine). Process Approvals must be made available to Market Manager.

A food having more than one license checked indicates food may be manufactured under either of the licenses indicated (retail, home food or commercial). Most foods can be manufactured under a retail or commercial license.

*Updated January 28, 2015*