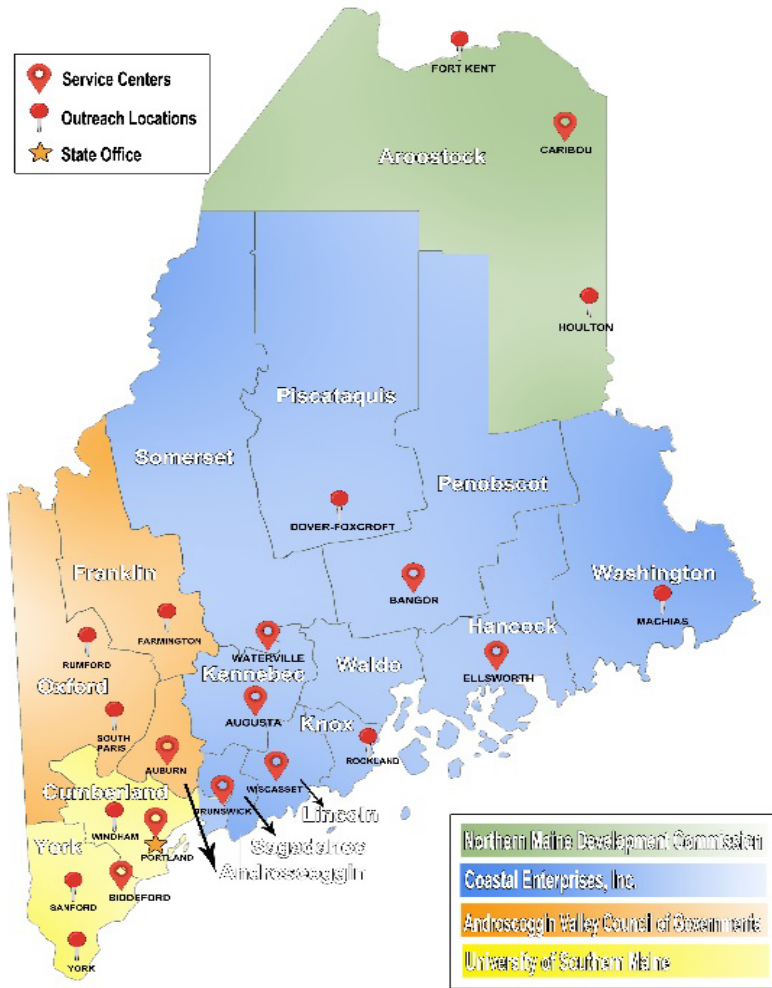




Starting a Food Business - What License Do I need?



Chris Cole , Certified Business Advisor
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There is an Advisor near you!

14 Professional Business Advisors
Locations Throughout the State of
Maine
(with additional outreach locations)

To make an appointment visit:
mainesbdc.org

Agenda

1. Personal Chef
2. Food Processing
3. Dairy Products
4. Catering
5. Food Truck / Food Cart
6. Restaurant
7. Food Safety
8. Certifications

Personal Chef:



- Licensing: Cooking and serving in private home does not require a license. Cooking offsite and bringing it to a residence is considered catering and requires a DHHS licensed commercial kitchen that is separate from your personal kitchen.
- Tax Code: When the personal chef does no more than prepare the food using the ingredients provided by the customer, the chef's labor is not taxable. However, if a personal chef provides the ingredients and prepares a meal ready for consumption without further preparation, the chef is selling prepared food and must collect tax at the prepared food rate.

Maine Dept. of Agriculture, Conservation & Forestry

Division of Quality Assurance and Regulations

- In home kitchen/ Processor
- Commercial Food processor
- Bakery Commercial and Wholesale
- Meat & Poultry
- Seafood
- Dairy
- Beverages
- Cider / Juices
- Maple Syrup Processor
- *Other licenses include slaughterhouses and food salvage*

Contact Information

- Mailing Address:
- Department of Agriculture, Conservation and Forestry
- Quality Assurance & Regulations
- 28 State House Station
- Augusta, ME 04333

- Augusta Office: (207) 287-3841
- Celeste Poulin, Director
- Ben Metcalf, Inspection Program Manager (207) 287-4979
- Michelle Newbegin, Inspection Process Analyst Coordinator
- Presque Isle Office: (207) 764-2100
- Michael Swimm, Inspection Process Analyst Coordinator (State/Federal Inspection Services)
- Joe Brooker, Inspection Process Analyst Coordinator (207) 764-2115

Maine Department of Agriculture Conservation & Forestry

- [Permits and Licenses: Quality Assurance and Regulation](#)
- Permits and Licenses. Licensing your food business ensures the public that your food products are made in a facility that meets important sanitation requirements. Consumers will be assured that the products have been produced in a clean, sanitary, and inspected facility with running, potable water and appropriate surfaces, utensils, and equipment
- [Licensing: Maine DACF](#)
 - Laws and Rules
 - Food Inspection
 - Permits and Licenses other: Arborist, Apiary, Hemp, Weights & Measures, ...

Home Kitchen Licensing Requirements

- [Food and Fuel License Application](#)
- GENERAL REQUIREMENTS
 - Clean and Sanitary Process Area: Food contact surfaces like tables, chopping blocks, and countertops must be of a non-absorbent, corrosion-resistant material and be smooth and easy to clean. Floors, walls, and ceilings must be smooth and easily cleanable. Equipment and utensils must be kept clean and sanitary.
 - Water Requirements: The kitchen must have a two-bay sink or a one-bay sink and dish washer with an adequate supply of hot and cold water with adequate water pressure. i. 100-110 degrees is recommended for hot water. Private water (wells) require an annual water test for coliform and nitrates.
 - Waste Water Disposal: If using a private septic system – septic designed must be submitted with application
 - Refrigerator Temperature Control: A thermometer must be installed in the refrigerator to make sure it is maintained at 41 degrees or less
 - A Home Food License is not required for selling only fresh produce, fresh eggs from a farm with fewer than 3,000 birds, or a poultry producer operating under a Fewer than 1,000 Bird Exemption

Sauces, Pickles, Relishes, Dressings ...

- Canned, Shelf-Stable Products: Prior to licensing, all canned, shelf-stable products must be submitted to the [University of Maine Food Testing Services](#) or another acidified process authority for review.
- Canned foods can be a potential botulism risk if products are incorrectly formulated. Therefore, it's essential to ensure the proper heating process is followed, and the pH or water activity level of the canned products are safe.
- Labeling Requirements: All foods sold outside of the home must be labeled with: The common or usual name of the product (e.g., apple pie, dill pickles) Ingredients in order of predominance (i.e., in the order of greatest to least amount in product) Net weight, net volume, or numerical count Name, address, and zip code of the producer •
- Nutrition Labeling: If you are a retailer with less than \$500,000 in annual gross sales or a food producer who sells directly to consumers and grosses less than \$50,000, then you are exempt from nutrition labeling
- [Nutrition Lab](#) (for nutrition facts labels)
- No label is required if product is sold directly to the consumer from the home.

Home Food Processors more information

- Knowledge is valuable to keep your customers safe while growing your business
- For more information about home-based food business, the University of Maine Cooperative Extension is an excellent resource. Visit them online: •
<https://extension.umaine.edu/publications/3101e/>
- <https://extension.umaine.edu/publications/3101e/>
- <https://extension.umaine.edu/food-health/food-safety/training/>
- [Sanitation Training - Cooperative Extension: Food & Health - University of Maine Cooperative Extension \(umaine.edu\)](#)

Commercial Food License: Food Products that require refrigeration or freezing to maintain temperature control or otherwise considered hazardous

[Rules for processing potentially hazardous foods](#)

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Examples:

Pesto, Fresh Salsa, Seafood Salad, Refrigerated Dressings

[Maine Food Code](#)

FDA : [Definition of Potentially Hazardous Food](#)

Mobile Vendors License

- [Mobile Vendor Information](#)
- Selling prepared, packaged food off-premise, such as at a farmers' market or a craft fair, requires a Mobile Vendor License
- Food sold must be from an approved, licensed source such as a licensed home processor, retail store, commercial processor, or food distributor.
- A Mobile Vendor license will be issued when DACF staff determine that there is proper labeling, general sanitation is met, adequate food protection, and thermometers in use where required.
- A Mobile Vendor License is not for food carts, or trucks that prepare and sell food ready for consumption. Those businesses are licensed by the Department of Health and Human Services, Health Inspection Program. For more information Contact 287-5671.

Dairy Products

- ✓ Butter
- ✓ Milk
- ✓ Cheese
- ✓ Yogurt
- ✓ Cottage cheese
- ✓ Ice cream
- ✓ All milk producing animals:
 - ✓ Cow
 - ✓ Goat
 - ✓ Sheep



Dairy Products Licensing Process

- Completed Dairy License Application : [Dairy License Application](#)
- License Fee sent in with Application (fee schedule is on the application)
- Completed, Satisfactory Inspection by Dairy Inspector
- Satisfactory Water Sample
- Animal Health Requirements met (TB & Brucellosis)
- Approved Product Label

Inspectors:

Renee Blais - 592-2491

renee.blais@maine.gov

Renee covers Central Maine and the County

Tanya Farrington-Thomason - 557-0841

tanya.farrington-thomason@maine.gov

Tanya covers Southern and Western Maine

Beth Williams – 441-3205

Beth.Williams@maine.gov

Beth covers Central Maine and DownEast

Dairy Program

- **Dairy Inspection**
- The Dairy Inspection Program is responsible for inspecting processors and farms to ensure the safe supply of milk for the public. State regulated and FDA certified
- Enables producers to sell milk across state lines and within the State.
- Dairy Inspectors conduct farm and dairy plant inspections in compliance with the Interstate Milk Shippers Program (IMS). Inspection of the dairy farms are semiannually for sanitary inspections of milking equipment and facilities.
- The Maine Milk Quality Laboratory tests and analyzes dairy products, producers' water samples and certifies commercial and industry milk laboratories involved in the IMS Program. Licenses are issued for frozen dessert products and milk and cheese processors.
- **Maine Milk Law & Rule**
- [Maine Milk Rule Chapter 329 \(DOC\)](#)
- [Chapter 601: Milk and Milk Products](#)
- **Contacts**
- [Dairy Inspection Office](#) (207) 287-7627

You need to be licensed by Department of Health and Human Services if your businesses is one of these

- Inns
- Sports Camps
- Food Trucks
- Take Out
- Restaurants
- Lunch carts
- Coffee Shops
- Temporary Eating place
- Youth Camps
- Catering
- Schools
- Bed and Breakfast
- Senior Citizen Meal Centers
- Mobile Vendors
- Cafes
- Vending machine

Home Caterers / Kitchen Policy

- *March 2, 2022 : The Department prior to the adoption of the Maine Food Code has licensed Home Caterers for years. The public health concern has been the lack of refrigeration, the inability to maintain a clean kitchen in a family atmosphere, the lack of a dedicated hand wash sink, and insufficient sinks.*
- *Policy Statement: The Department of Health and Human Services, Health Inspection Program, will not license caterers in their home or home kitchens unless there is a separate, dedicated kitchen that meets the requirements of the Maine Food Code.*
- [Eating and Lodging License](#)
 - ✓ Sanitary facility
 - ✓ Equipment in good working order
 - ✓ temperature control
 - ✓ food safety
 - ✓ certified food handler



Mobile Units / Food Trucks

- [Mobile Eating Place Operator Guide](#)
- A mobile eating place is a mobile vehicle designed and constructed to transport, prepare, sell or serve food at a number of sites and is capable of being moved from its serving site at any time. This type of establishment is a self-contained food service operation, located in a vehicle or a movable stand on wheels, used to store, prepare, display or serve food intended for individual portion service.
- Mobile units are required to be licensed annually and inspected at least once every two years
- All mobile units require a license. The unit will be licensed as Eating Place – Mobile, Stick Built, or Temporary depending on the business model and the construction of your unit and you may be required to apply separately for a Commissary license.
A Commissary kitchen receives, stores, and prepares food for delivery to other meal sites or vending locations
- You must submit your Eating and Lodging application(s) at least 30 days before you plan to begin operating

Mobile Unit Requirements

- Equipment requirements for mobile units are dependent on the menu items being produced in the unit. There are three classifications of mobile units: low risk, moderate risk, and high risk. The menu submitted to the Department with your application will be used to determine which category your unit belongs in. The health inspector will review your mobile unit's design to determine whether equipment requirements have been met.
- There must be a Person In Charge /PIC in the mobile unit during all hours of operation. The PIC must be adequately trained on proper food safety and have the authority to instruct other employees on food safety principals and to make important decisions like sending an ill employee home, discarding food that has been time/temp abused or contaminated, etc.

Commissary, Commercial, Community Kitchens

- <https://www.pickyourown.org/commercialkitchens-Maine.php>
- <https://www.forkfoodlab.com/> Portland
- <http://merrymeetingkitchen.com/> Brunswick
- <https://www.facebook.com/mainefoodforge/> Whitefield
- <https://www.highmountainhall.com/commercial-kitchen-rental>
- Camden
- Bangor plans to open a commercial kitchen later this year

Municipal Food Licensing

- If your business is based out of Portland, South Portland, Lewiston and you plan to operate only in that city, you may apply for a Municipal Eating Place – Mobile license. However, the municipal license allows you to operate in that city only.
- If you plan to operate in locations throughout the state, you will need to apply for, and pay the fee for, a statewide mobile license. This will allow you to operate outside of the municipality at statewide fairs/festivals/locations. The application for a municipal license can be found here: [Municipal Eating & Lodging](#)
- In addition to submitting this application to the Department, you must contact the municipality you plan to operate in regarding their licensing requirements.
- Portland: <https://www.portlandmaine.gov/388/Food-Service-Inspections>
- South Portland: <https://www.southportland.org/departments/city-clerk/clerk-business-licenses/>
- Lewiston : <https://www.lewistonmaine.gov/121/Business-Licenses>

Restaurant, Cafes, Coffee Shop, Bistro,

(Most any establishment , fixed location where paying customers will purchase food made on premise)

- [Eating and Lodging License](#)
- Proposed Business
- Number of Seats
- Water sources & uses
- Wastewater disposal
- Menu
- Kitchen layout (drawn with measurements)
- Equipment list
- Hours of operation
- Type of service (table, buffet, takeout, catering ..)
- Toilet Facilities
- Certified Food Protection Manager



FEES

Catering \$270.00

Correctional Facility \$270.00

Eating Place - Takeout \$220.00

Eating Place, Tier 1: 1-29 seats \$220.00

Eating Place, Tier 2: 30-75 seats \$265.00

Eating Place, Tier 3: More Than 75 Seats \$300.00

Eating Place - Limited Menu \$205.00

Eating - School \$100.00

Eating - School Catering \$100.00

Eating - School Satellite \$100.00

Eating Place - Commissary \$300.00

Vending Company \$105.00

Senior Citizen Meal Site \$30.00

LODGING

Bed and Breakfast – 5-Rooms or Less \$135.00

Bed and Breakfast – 6-Rooms or More \$205.00

Lodging Place, Tier 1: 4 -15 Rooms \$205.00

Lodging Place, Tier 2: 16 -75 Rooms \$240.00

Lodging Place, Tier 3: More Than 75 Rooms \$270.00

COMBINATION

Food Service At Youth Camps (Eating and Catering) \$300.00

Eating and Catering \$300.00

Eating and Lodging \$300.00

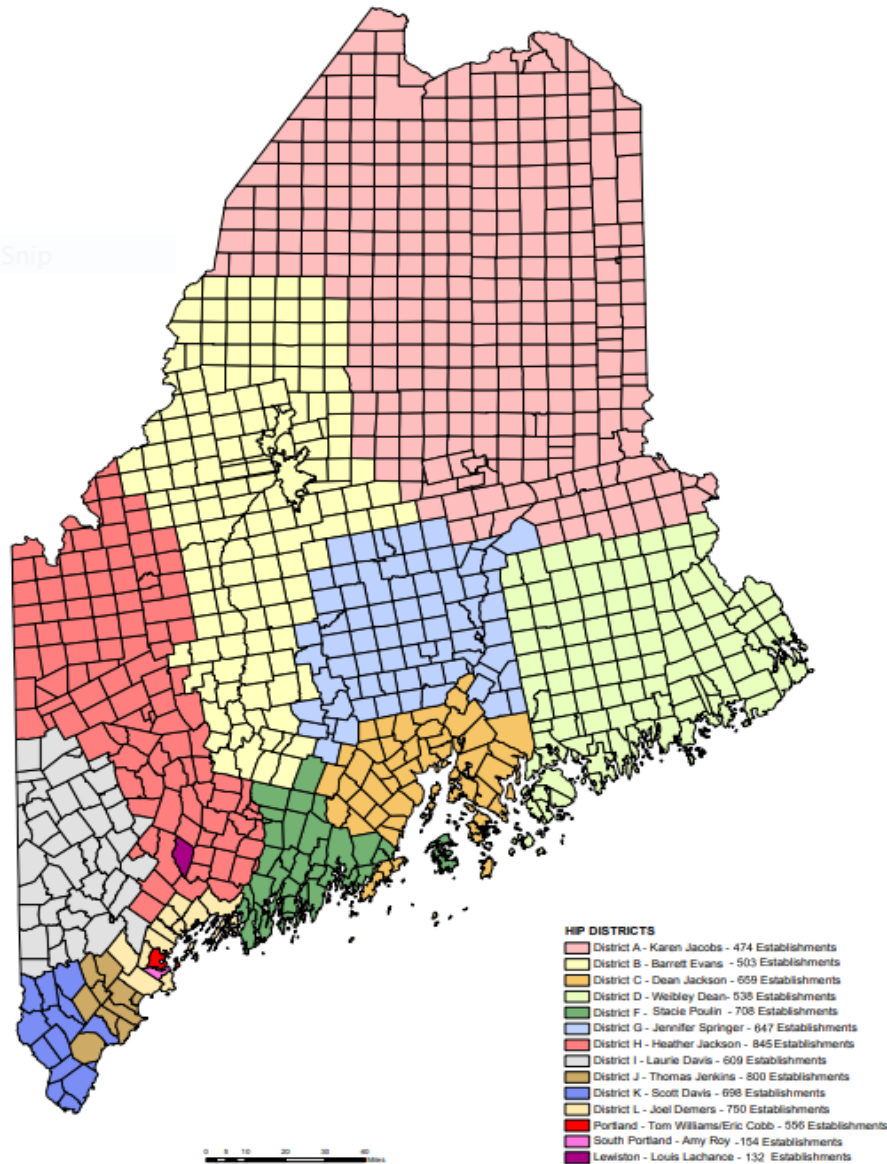
CAMP

Sporting/Recreational Camp \$240.00

Overview - what the Inspection Covers

- Clean non porous surfaces
- Equipment in working order
- Temperature Control (refrigeration, steam table..)
- Cross-contamination/ Food handling
- Personal hygiene & attire
- Proper storage of food.
- Chemical use and storage.
- Storage of utensils and dishes.
- Lighting
- Rodent and insect control
- Listing of [consumer advisory](#)
- Required Posters (handwashing, food temperature chart)
- [Posters & Policies](#)





Health Inspectors:

[Scott Brown](#) (207) 441-5186

[Laurie Davis](#) (207) 592-5573

[Scott Davis](#) (207) 592-7225

[Weibley Dean](#) (207) 904-8232

[Joel Demers](#) (207) 592-7791

[Barrett Evans](#) (207) 592-5468

[Dean Jackson](#) (207) 592-8520

[Heather Jackson](#) (207) 513-6652

[Karen Jacobs](#) (207) 592-7459

[Tom Jenkins](#) (207) 615-3975

[Stacie Poulin](#) 207-441-0746

[Carey Rodriguez](#) (207) 441-0961

[Jennifer Springer](#) (207) 944-0564

[Michael Sullivan](#) (207) 592-6874

Municipal Inspectors

[Portland: Jessica Hanscombe](#) Program Manager, (207) 874-8783

[Eric Cobb](#) (207) 756-8016

[Tom Williams](#) (207) 874-8772

Lewiston: [Louis Lachance](#) (207) 513-3125 ext 3224

South Portland: [Amy Roy](#) (207) 767-7603

Certified Food Protection Manager Requirement

- Every eating establishment, with some exemptions, must employ or engage a Certified Food Protection Manager (CFPM).
- A valid CFPM certificate must be included with the license application for all new establishments and changes of ownership. This requirement is in addition to all other CFPM requirements in the Maine Food Code.
- A CFPM must be hired within 60 days of the departure of the last CFPM leaving employment. Eating establishments must post the CFPM certificates in a conspicuous area and the certificate must be made available to the Department upon request.
- Course Information [CFPM Courses \(PDF\)](#)



Food Safety Training Opportunities

- FDA training
- [FSPCA Preventive Controls for Human Food Certification Training](#)
- [FSMA — Produce Safety Alliance Grower Training](#)
- [FSMA Water Lab Updates Webinar](#)
- Seafood HACCP
- [BPCS — Better Process Control School for Acidified Foods](#)
- USDA training
- [Meat and Poultry HACCP](#)