# **01-001 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**DIVISION OF REGULATIONS**

**Chapter 341: BAKERIES (COMMERCIAL, RETAIL AND DISTRIBUTORS)**

**SUMMARY:** The purpose of this chapter is to set forth standards for licensing and regulations for bakeries commercial, retail and distributors).

**1. Definitions**. For purposes of this chapter and unless the context otherwise indicates, the following words shall have the following meanings.

A. "Bakery" means any place, premises or establishment other than a home food manufacturing establishment regulated by the Department of Agriculture, Conservation and Forestry, where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured.

B. "Bakery product" includes bread, rolls, cakes, pies, doughnuts, cookies, biscuits, crackers and all similar goods, to be used for human food.

C. "Commercial bakery" means any bakery predominantly engaged in the preparation, processing or manufacture of bakery products for further distribution. All other bakeries shall be deemed retail bakeries.

D. "Container" or "package" means the container or wrapper in which bakery products are sold or offered for sale.

E. "Corrosion resistant material" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the environment.

F. "Department" means the Maine Department of Agriculture, Conservation and Forestry.

G. "Distributor" means any person other than a bakery engaged in the selling, marketing, or distributing at wholesale or retail any bakery products.

H. "Food contact surface" means those surfaces of equipment and utensils with which food comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

I. "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable or which generates pressure through decomposition.

J. "Manufacturing" means the preparing, mixing, blending, icing, decorating. baking or handling of bakery products and food ingredients or materials used therein.

K. "Perishable food" means any food of such type or in such condition or physical state as it may spoil or otherwise become unfit for human consumption.

L. "Person" includes an individual, partnership, corporation, association or club.

M. "Potentially hazardous food" means any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic microorganisms including, but not limited to, cream fillings in pies, cakes or pastries; custard products; meringue topped bakery products; or butter cream type fillings in bakery products.

**2. Construction and Sanitation Standards**

A. **Rooms**. Separate rooms shall be provided for the manufacturing of bakery products and the retail sale of bakery products. Bakery products may be packaged in properly protected parts of retail sale areas, subject to the specific approval of the Department.

B. **Floors**

1. The floors of all rooms shall be of easily cleanable, impervious construction and shall be smooth and free of cracks. Where wood floors are used they shall be treated with a protective nontoxic compound which effectively seals cracks and crevices.

2. When subject to flood type cleaning, floors shall be sloped and provided with drains.

3. Joints at wall-floor junction shall be effectively sealed.

4. The floors of all rooms shall be kept clean and in good repair.

C. **Walls and Ceilings**

1. The surfaces of walls and ceilings of all rooms except dry supply storage shall be reasonably smooth, impervious, and of washable light color.

2. Dry supply storage room walls and ceiling construction shall be tight and designed to be easily cleaned.

3. The surfaces of all walls and ceilings shall be kept clean and in good repair. Storage rooms shall be kept free of dust and cobwebs.

D. **Doors and Windows**

1. All openings to the outside shall have solid tight-fitting doors.

2. Outside screen doors shall open outward. All doors used by the public and employees shall be self-closing.

3. All outside openings shall be screened. Mechanical devices may be used in lieu of screens subject to approval by the department. This paragraph does not apply to supply receiving and load-out doors while in use, providing they are kept closed at all other times.

4. All reasonable means shall be taken to minimize the entrance of insects, animals, birds, rodents, dust and vermin.

5. Windows, doors, screens and window ledges shall be kept clean and in good repair.

E. **Lighting**

1. Ample lighting shall be provided in all rooms.

2. Light bulbs, fixtures, skylights, or other glass suspended over exposed food in any step of preparation, shall be of the safety type or otherwise protected to prevent food contamination in case of breakage.

F. **Ventilation**

1. Adequate ventilation shall be provided to maintain all rooms free from strong and undesirable odors, smoke, dust and excessive condensation.

2. Permanently installed pressured ventilating and/or air conditioning equipment shall be equipped with filtered air intake. Piston type compressors shall be equipped with oil and moisture traps.

3. Bake ovens shall be properly vented to the outside and equipped with exhaust fans where necessary to remove smoke and odor. Fryers shall be properly hooded and vented to the outside and equipped with exhaust fans where necessary to remove smoke.

G. **Water supply**

1. The water supply shall be ample for operations and shall be obtained from a potable public or private supply. Hot and cold water under pressure shall be provided in all areas of the bakery where bakery products are prepared, processed or manufactured. Private water supplies shall be tested yearly.

2. There shall be no cross connections with other water supply systems unless approved by the department.

H. **Toilet facilities**

1. Adequate, conveniently located, flush-type toilet facilities shall be provided for the employees on the premises.

2. The doors of all toilet rooms shall be solid, tight, self-closing and shall not open directly into any rooms used for processing, packaging or selling bakery products.

3. The toilet room shall be ventilated to the outside, kept free of odors, clean and in good repair.

I. **Dressing and locker room facilities**

1. Dressing rooms and locker rooms where provided shall be kept clean and in good repair. Such rooms shall be separated from any bakery, manufacturing, packaging or sales rooms. Such rooms shall be provided with covered waste receptacles.

2. No employees shall store their clothing in any other area on the premises except in suitable lockers, closets or protected space provided for this purpose.

J. **Handwashing facilities**

1. Handwash facilities in good repair shall be provided for employees within or adjacent to toilet room and shall also be provided in or adjacent to manufacturing and sales rooms. Such facilities shall be equipped with hot and cold running water. Handwashing detergent or soap, and single-service sanitary towels or hot air blowers, shall be provided at handwashing facilities.

2. A sink used for washing equipment and utensils shall not be used as a place to wash hands after using toilet facilities.

3. Before beginning the work of preparing, mixing or handling the ingredients used in baking, and immediately after visiting the toilet or whenever hands become soiled for any other reason, every person shall thoroughly wash and dry his hands. Use of a common towel is prohibited.

4. A hand washing notice shall be posted in each toilet and dressing room.

K. **Waste disposal**

1. All plumbing shall be so designed and installed as to prevent contamination of the water supply through interconnections and back siphonage from fixtures, including dishwashing machines and sinks.

2. Equipment sufficient to prevent littering of premises with rubbish, garbage or other refuse or wastes shall be provided and maintained.

3. All liquid wastes resulting from cleaning and rinsing utensils and floors, from flush toilets, from lavatories, and from air conditioners shall be disposed of in a public sewer or by a method approved by the department.

4. All garbage and waste shall be stored in covered containers. Reusable containers shall be nonabsorbent, easily washable receptacles which are covered with close-fitting lids pending removal. Disposable containers and liners may be used. Removal of garbage and waste shall be frequent and the holding area shall be kept clean.

5. All garbage receptacles shall be washed and treated with a disinfectant, as needed, to prevent a nuisance.

L. **Construction and repair of equipment**

1. All utensils and equipment used in the manufacture and packaging of bakery products shall be made of smooth, nonabsorbent, nontoxic material. They shall be of such construction and design as to be easily cleanable and shall be kept in good repair.

2. Joints and seams shall be smooth and flush-welded or soldered.

M. **Equipment and utensil cleaning and sanitizing facilities**

1. A two compartment sink made of corrosion resistant material large enough to accommodate the utensils and equipment to be washed and rinsed therein and plumbed with hot and cold water under pressure shall be provided and located in or adjacent to the processing room.

2. All equipment and utensils, including counters, tables, refrigerators, ovens, hoods, racks, conveyors, proof box, etc., shall be kept clean and free from dust, dirt, insects and other contaminating materials.

3. Utensils used in handling potentially hazardous foods must be cleaned after each usage and sanitized prior to reuse.

4. Food contact surfaces of all equipment shall be cleaned daily and sanitized prior to usage, except for the following, which shall be cleaned as necessary to prevent contamination but need not be sanitized:

a. Flour sifters and proofers;

b. Flour handling equipment, conveyor belts, equipment housing, and structural surfaces that remain dry;

c. Bread pans, dough troughs, dividers, rounders, overhead proofers, cake tins and similar equipment and utensils.

5. Sanitization shall be accomplished by one of the following methods; (a) immersion for at least one-half () minute in clean, hot water at a temperature of at least 170 F; or (b) immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75F; or (c) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75 F. Where both cleaning and sanitation are required, sanitation will follow cleaning. Utensils and product contact surfaces of equipment which cannot be immersed shall be sanitized by rinsing with one of the three solutions described in this paragraph.

6. Wash cloths and steel sponges shall not be used in cleaning equipment and utensils.

N. **Storage and handling of equipment**

1. After cleaning, utensils and equipment shall be stored in a clean, dry place, protected from insects, dust and any other contamination, and shall be handled in such manner as to prevent contamination of food contact surfaces.

2. Cleaned pans, receptacles and utensils shall be inverted or covered in a sanitary manner when not in use.

O. **Refrigeration**

1. Adequate refrigeration facilities of an approved type shall be provided for storage of frozen foods, potentially hazardous foods and perishable foods requiring refrigeration.

2. Perishable and potentially hazardous foods shall be stored at a temperature of 45 F or below.

3. Potentially hazardous foods shall be refrigerated at 45 F or below and protected from contamination.

4. Frozen foods shall be stored at a temperature of 0 F or below.

P. **Storage of bakery product ingredients and supplies**

1. Adequate storage facilities shall be provided to protect bakery product ingredients and supplies from contamination and/or spoilage.

2. Bulk bakery product ingredients may be stored in manufacturing rooms in properly constructed covered bins, cabinets or containers.

3. Bakery product ingredients and packaging supplies may be stored in manufacturing rooms in original containers provided that the storage area is sufficiently removed from bakery manufacturing and packaging areas so as to not interfere with these operations or create a sanitation hazard.

4. Packaged bakery products, ingredients, and packaging supplies shall be stored at least six (6) inches off the floor and eighteen (18) inches from any wall to facilitate cleaning and control of rodents and vermin.

5. The storage area shall be well lighted, dry, kept clean, and kept free of vermin.

6. Cleaning materials, pesticides, rodenticides, and other hazardous substances shall be stored in properly labeled containers in a closed cabinet outside manufacturing, packaging and retail sales rooms.

Q. **Protection from contamination**

1. All ingredients used in the preparation of bakery products shall be clean, wholesome, free from spoilage and properly stored so as to be protected from contamination.

2. No room of any bakery shall be used for domestic purposes.

3. No live animals or birds shall be permitted in any of the bakery rooms.

4. No tobacco shall be used in any form during the processing and baking of food.

5. Ice used in the preparation or cooling of bakery products must be from a potable water supply and shall be of safe and sanitary quality.

6. Adequate means for the elimination of flies and other insects shall be provided. The building shall be of rodent proof construction.

7. Effective measures shall be taken to protect containers, utensils, equipment and bakery products from possible contamination by insects and rodents and by chemicals used to control such vermin.

8. Only pesticides and rodenticides that are registered pursuant to the *Maine Pesticide Control Act of 1975*, 7 MRSA, Sec. 601 to Sec. 624, shall be used in bakeries.

9. The bakery shall not be used for any other purposes than the manufacture and packaging of bakery products and the operations incident thereto, except as may be approved by the department as not detrimental to the processing of bakery products and public safety.

10. There shall be no public passageway thru the manufacturing room.

11. Immediate bakery surroundings shall be kept neat, clean, and free of rodent harborages and insect breeding areas.

12. In all new construction taking place after the effective date of this chapter, there shall be no exposed overhead drain or waste disposal piping, or any other piping which may cause a condensation problem, in the manufacturing room, retail salesroom, or rooms where bakery products and supplies are stored. Existing exposed piping in these rooms shall be protected where necessary to prevent possible contamination of bakery products.

R. **Personnel - Cleanliness and health**

1. All production employees shall wear clean, light colored clothing.

2. Head covering must be worn by all employees.

3. All employees must immediately wash hands and arms thoroughly before returning to work in manufacturing or sales rooms after visiting toilet or dressing room areas, or after hands or arms have become soiled.

4. All employees shall be free of communicable diseases, open sores, cuts or any sign of infection on hands and arms.

**3.** **Labeling**

All products packaged for self-service retail sales shall bear; (a) the common or usual name of the product; (b) ingredients in order of predominance; (c) net weight or numerical count; (d) name and address of manufacturer or distributor and zip code.

**4. Licensing**

A. **Application and Fee**. Application for approval for Bakeries (Commercial, Retail and Distributors) shall be filed annually with the Department of Agriculture, Conservation and Forestry. Applications shall be accompanied by the appropriate fee as enumerated in Chapter 330, *License Fees to Manufacture and Sell Food & Beverages*.In order to allow for the staggering of license expiration dates, initial licenses may be issued for a period exceeding twelve months. In such cases, the initial license fee shall be increased in proportion to the length of the license period.

B **Inspection and Issuance**. Before a license is issued or renewed the Department shall inspect the premises of the applicant.

The commissioner shall, within 30 days following receipt of application, issue a license to operate any food establishment which is found to comply with this chapter and any rules and regulations adopted by the commissioner. When any such applicant, upon inspection by the commissioner, is found not to meet the requirements of this chapter or regulations adopted hereunder, the commissioner is authorized to issue either a temporary license for a specified period not to exceed 90 days, during which time corrections specified by the commissioner shall be made by the applicant for compliance or a conditional license setting forth conditions which shall be met by the applicant to the satisfaction of the commissioner.

C. **Display**. Licenses issued to retail bakeries shall be displayed in a place visible to consumers or other persons using a licensed establishment.

STATUTORY AUTHORITY:10 MRSA, 2625, 22 MRSA, 2153, 2157.9B, 2167, 2168 and 2169.

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