

**Chapter 348: EXEMPTION FOR ON-FARM RAISING, SLAUGHTER, AND  
PROCESSING OF LESS THAN 1,000 READY-TO-COOK WHOLE  
POULTRY**

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**SUMMARY:** The purpose of this chapter is to set forth regulations for the slaughter and processing of whole ready-to-cook poultry carcasses for a poultry producer that processes fewer than 1,000 birds annually of their own raising, in accordance with 22 M.R.S. § 2517-C(4).

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**SECTION 1. DEFINITIONS**

1. For purposes of this chapter and unless the context otherwise indicates, the following words shall have the following meanings.
  - A. “Ante-Mortem Examination” means the inspection of live poultry prior to being slaughtered for sickness or disease.
  - B. “Community Supported Agriculture” means an arrangement whereby individual consumers have agreements with a farmer to be provided with food or other agricultural products produced on that farm.
  - C. “Good Commercial Practices” means a systematic approach in which establishments focus on treating poultry in such a manner as to minimize excitement, discomfort, and accidental injury the entire time that live poultry is held in connection with slaughter.
  - D. “Interstate Commerce” means the sale of ready-to-cook poultry or the transportation of poultry between different states.
  - E. “Locally Owned Grocery Store” means a grocery store at least 51% of which is owned by one or more residents of the State and that has a gross floor area of 25,000 square feet or less.
  - F. “Locally Owned Restaurant” means an eating establishment at least 51% is owned by one or more residents of the State and that is not a chain restaurant pursuant to 22 MRSA section 2491, subsection 2-B.
  - G. “Post-Mortem Inspection” means the inspection of poultry organs and tissue for evidence of disease that would make the meat unsuitable for human food.
  - H. “Quarantine” means a place of isolation in which live poultry that are displaying signs of infectious or contagious disease or have been exposed to an infectious disease are placed.
  - I. “Poultry” means any domesticated bird (chickens, turkeys, ducks, geese, guineas, or squabs), whether live or dead.
  - J. “Poultry Producer” means a person who raises poultry which are offered for sale.
  - K. “Ready-to-Cook Poultry” means domestic poultry which has been slaughtered for human food and from which the head, heart, kidneys, blood, feathers, feet, and inedible viscera have been removed, and is ready to cook without need of further processing.
  - L. “Segregate” in all its moods or tenses means placement of diseased poultry into a restricted area separate from healthy poultry.
  - M. “Poultry Processing” means the evisceration, washing, chilling, and packaging of poultry carcasses

- N. “Poultry Slaughter” means the slaughter, scalding, plucking, and defeathering of poultry, including the removal of the head and feet.
- O. “Zoonotic Disease” is a disease that can be transmitted between animals and humans.

## **SECTION 2. POULTRY HEALTH**

1. The slaughter or processing of dead, dying, or diseased poultry is prohibited.
2. If live poultry are suspected to be affected by a zoonotic disease, producers must contact the Department of Agriculture, Conservation and Forestry (DACF) Division of Animal and Plant Health immediately, and segregate and quarantine the poultry until they can be examined by DACF Division of Animal Health veterinarians.
3. The establishment shall ensure that all poultry is free from medicated feed residues, medication, pesticides, and other residues before slaughter.

## **SECTION 3. LIVE POULTRY HUMANE HANDLING**

1. Live poultry holding areas shall be provided with adequate ventilation to prevent exposure to extreme temperatures.
2. Animal pens, crates, or other holding areas must allow for satisfactory ante-mortem examination of live poultry by the producer.
3. Establishments shall use Good Commercial Practices to minimize to the greatest extent practicable poultry mortality resulting from causes other than slaughter.

## **SECTION 4. OPERATIONAL AREAS**

1. The area(s) used for poultry processing must be separated from any area(s) used for holding live animals or poultry slaughter. Outdoor areas may be utilized for slaughter and processing operations, provided the requirements of this chapter are met.
2. The area(s) used for poultry processing must be protected from contamination by activities in the live holding and poultry slaughter area(s) through the use of physical distance or through the erection of walls, screens, or any other physical barriers adequate to prevent splash back and other physical contamination of carcasses in poultry processing area(s).
3. Areas used for poultry processing must be protected from pests such as flies or nuisance insects, or animals through the use of physical walls, screens, fans, or any other method adequate to prevent contamination of the poultry carcasses by pests.
4. Poultry offal and other inedible materials generated during poultry slaughter and poultry processing operations cannot be stored in the same coolers or freezers in which edible products are stored.

## **SECTION 5. GENERAL RULES**

1. An establishment must be operated and maintained in a manner sufficient to prevent the creation of insanitary conditions and to ensure that product is not adulterated within the meaning of 22 M.R.S. § 2511(1).

## **SECTION 6. ESTABLISHMENT GROUNDS AND FACILITIES**

1. *Grounds and pest control.* The areas where poultry slaughter operations are conducted must be maintained to prevent conditions that could lead to insanitary conditions and adulteration of products, including, but not limited to, keeping grass cut short, removing large junk or other harborage sites for pests, and using areas away from fecal soiled pens. Pest control chemicals used in and around these areas must be safe and effective under the conditions of use and not be applied or stored in a manner that will result in the adulteration of product or the creation of insanitary conditions.
2. *Lights.* Lighting of good quality and sufficient intensity must be provided in areas where poultry carcasses are processed and where equipment is cleaned and sanitized before use

to ensure that visibility is sufficient to ensure that sanitary conditions are maintained and that product is not adulterated.

3. *Ventilations.* Ventilation must be adequate to control odors, vapors, and condensation to the extent necessary to prevent adulteration of product and the creation of insanitary conditions.
4. *Water supply.* A supply of running water that complies with the National Primary Drinking Water regulations (40 CFR part 141), at suitable temperatures and pressures to effectively clean carcasses, equipment, and facilities must be provided in all areas where required (for processing product, for cleaning rooms and equipment, utensils, and packaging materials, for employee sanitary facilities, etc.). If an establishment uses a private well for its water supply, it must make available, upon request, documentation certifying the potability of the water supply has been found to meet the drinking water standards for nitrates and coliform bacteria in the National Primary Drinking Water regulations identified above. Testing shall occur at a state-certified laboratory at least semi-annually, unless operations are conducted seasonally. Seasonal operations, defined as those lasting less than 6 months, must test annually prior to commencing operations for that season.

## **SECTION 7. EQUIPMENT AND UTENSILS**

1. Equipment and utensils used for processing or otherwise handling edible product or ingredients must be of such material and construction to facilitate thorough cleaning and to ensure that their use will not cause the adulteration of product during processing, handling, or storage. Equipment and utensils must be maintained in sanitary condition so as not to adulterate product.
2. Equipment and utensils must not be constructed, located, or operated in a manner that prevents the producer from inspecting the equipment or utensils to determine whether they are in sanitary condition.
3. Receptacles used for storing inedible material must be of such material and construction that their use will not result in the adulteration of any edible product or in the creation of insanitary conditions. Such receptacles must not be used for storing any edible product and must bear conspicuous and distinctive markings to identify permitted uses.

## **SECTION 8. SANITARY OPERATIONS**

1. All food-contact surfaces, including food-contact surfaces of utensils and equipment, must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.
2. Non-food-contact surfaces of facilities, equipment, and utensils used in the operation of the establishment must be cleaned and sanitized as frequently as necessary to prevent the creation of insanitary conditions and the adulteration of product.
3. Cleaning compounds, sanitizing agents, processing aids, and other chemicals used by an establishment must be safe and effective under the conditions of use. Such chemicals must be used, handled, and stored in a manner that will not adulterate product or create insanitary conditions. Documentation substantiating the safety of a chemical's use in a food processing environment must be available to inspection program employees for review.
4. Sanitization may be accomplished by one of the following methods:
  - A. Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 180° F.
  - 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 75° F.
  - 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.
  - D. Immersion in a quaternary ammonium compound solution having a

minimum temperature of 75° F with a concentration as specified by the manufacturer's use directions included in the labeling.

5. There shall be readily available a test kit or other device to accurately determine the concentration of the sanitizing solution being applied to food contact surfaces.
6. The use of antimicrobial chemicals to reduce pathogen load shall be consistent with the manufacturer's instructions for concentration and exposure time. There shall be readily available a test kit or other device to accurately determine the concentration being applied.
7. Poultry carcasses that have been contaminated by ingesta or fecal material shall be reconditioned in an area separate from the evisceration area. Carcasses shall be trimmed and washed of contamination, and an antimicrobial chemical can be applied in accordance with manufacturer's instructions. DACF Division of Quality Assurance and Regulation will make available on its website a list of antimicrobial agents and processes that are allowed for decontamination under this rule.

## **SECTION 9. EMPLOYEE HYGIENE**

1. *Cleanliness.* All persons working in contact with product, food-contact surfaces, and product-packaging materials must adhere to hygienic practices, including but not limited to, covering of open wounds, restraint of long hair, removal of jewelry, and washing of hands after employee use of the toilet while on duty to prevent adulteration of product and the creation of insanitary conditions.
2. *Clothing.* Aprons, frocks, and other outer clothing worn by persons who handle product must be of a material that is disposable or readily cleaned. Clean garments must be worn at the start of each working day, and garments must be changed during the day as often as necessary to prevent adulteration of product and the creation of insanitary conditions.
3. *Disease control.* Any person who has or appears to have an infectious disease, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, must be excluded from any operations that could result in product adulteration and the creation of insanitary conditions until the condition is corrected.

## **SECTION 10. OPERATIONS AND PROCEDURES**

1. Operations and procedures involving the preparation, storing, or handling of ready-to-cook whole chicken shall be strictly in accordance with clean and sanitary methods.
  - A. All operations in the processes of inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of food shall be conducted in accordance with adequate sanitation principles to ensure that contamination and/or adulteration is prevented.
  - B. A post-mortem inspection of all carcasses and organs must be performed by the producer, and carcasses and organs found to be diseased must be discarded.
  - C. Chemical, microbial, or extraneous material testing procedures shall be used when necessary to identify sanitation failures or possible food contamination. All food that has become contaminated to the extent that it is adulterated within the meaning of 22 M.R.S. § 2156 of Maine law shall be rejected, or, if possible, treated and processed to eliminate the contamination.
  - D. The evisceration of ready-to-cook poultry shall result in the head, feet, and all organs being separated from the carcass. The head, feet, and internal organs must be discarded and shall not be used for human food.
  - E. Any ice used in contact with food or food contact surfaces shall be made from potable water. All ice manufacturing equipment, shovels, scoops, and storage and transportation bins shall be maintained in a sanitary condition through frequent cleaning, including sanitization where indicated.
  - F. In the final washing, the carcass shall be thoroughly sprayed with an abundant supply of potable water of such velocity to effectively clean the carcass.

- G. All feathers from plucking and offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance and insanitary conditions.
- H. All packaging material used for packaging poultry products must be certified by the manufacturer as food grade.
- I. Effective measures shall be taken to protect against the contamination of food, food contact surfaces, and food packaging materials in or on the premises from dogs, cats, flies, rats, mice, and other vermin or animals.
- J. Food-manufacturing areas and equipment used for manufacturing human food shall not be used to manufacture nonhuman food-grade animal feed or inedible products, unless there is no reasonable possibility for contamination of the human food.
- K. Storage and transportation of dressed poultry carcasses shall be under conditions that will protect food against physical, chemical, and microbial contamination as well as against deterioration of the carcass and the container.

## **SECTION 11. SCALDING PROCEDURES**

1. Scalding equipment shall be kept clean and scalding water replenished at intervals to prevent the creation of insanitary conditions.
2. Poultry carcasses that are over-scalded may start to cook. Because of this, over-scalded carcasses are no longer ready-to-cook poultry. Cooked poultry carcasses must be denatured and discarded.

## **SECTION 12. TEMPERATURE REQUIREMENTS FOR CHILLING AND REFRIGERATED STORAGE**

1. Poultry slaughter establishments must ensure that all poultry carcasses are chilled immediately after slaughter operations so that there is no outgrowth of pathogens, unless such poultry is to be packed and frozen immediately at the establishment.
2. All poultry that is slaughtered and eviscerated in the establishment using ice chilling shall chill immediately after processing so that the internal temperature of poultry carcasses:
  - A. Weighing under 4 pounds shall be reduced to 40 °F or below within 4 hours of processing;
  - B. Weighing 4 to 8 pounds shall be reduced to 40 °F or below, within 6 hours of processing; or
  - C. Weighing over 8 pounds shall be reduced to 40 °F or below, within 8 hours of processing, unless such poultry is to be frozen.
3. Establishments may instead air chill ready-to-cook poultry carcasses if mechanical refrigeration is provided and designed so carcasses are spaced on racking or rail systems to allow adequate air flow. The internal temperature of the carcass shall be reduced to 40° F or less within 16 hours
4. Poultry held in packaged form shall be stored at 40 °F or less.

## **SECTION 13. EXEMPTION REQUIREMENTS FOR LESS THAN 1,000 BIRD FARM RAISED POULTRY SLAUGHTER AND PROCESSING**

1. In order to qualify to slaughter and process poultry to be sold in commerce under the 1,000 poultry exemption, the following conditions must be met:
  - A. The farm raises on its premises fewer than 1,000 live poultry to be slaughtered on-farm in one calendar year (January 1 – December 31).
  - B. Whole poultry carcasses slaughtered on-farm under this exemption may not be offered for sale nor transported in interstate commerce.

- C. All poultry carcasses slaughtered, processed, and sold in commerce must be assigned a unique lot number, and producers must keep written records of these lot numbers and their point of sale.
- D. The owner(s) of the slaughter and processing establishment operating under this exemption shall maintain registration with the Department of Agriculture, Conservation and Forestry, to be renewed annually.
- E. All poultry must be labelled in accordance with 22 MRSA 2517-C(1)(I).
- F. Poultry may only be sold in accordance with 22 MRSA 2517-C(2).

**STATUTORY AUTHORITY: Issued in accordance with 22 MRSA 2517-C(4)**

EFFECTIVE DATE:

April 13, 2026 (final adoption, major substantive)

May 6, 2010- filing 2010-121 (final adoption, major substantive)

CORRECTIONS:

February 2014- agency names, formatting

WORD VERSION CONVERSION AND ACCESSIBILITY CHECK: July 10, 2025