

Maine High Court Rejects Unlicensed Raw Milk Sales

DAVID SHARP, Associated Press

PORTLAND, Maine (AP) — A Blue Hill farmer who wanted the right to sell raw milk without being forced to spend thousands of dollars for upgrades to win a state license lost his appeal to the state's highest court Tuesday.

Dan Brown wanted to continue selling excess milk the way he had for years based on his understanding from state officials that he didn't need a license. The state later reversed its position, and Brown was issued a civil summons in 2011 for selling milk without a state license.

The Maine Supreme Judicial Court rejected his arguments, including his contention that a Blue Hill ordinance had exempted him from a state licensing requirement.

Reached at his family farm, Brown said the court's decision is a defeat for consumers.

"I can still have my cows and have the milk for my family. But the little extra I had, the people in the neighborhood don't have the right to that anymore," he said.

The state contended that it has an obligation to set reasonable standards to ensure milk is safe and that those standards must apply to even the smallest farms.

But Brown's case became a rallying cry for local food movement supporters. A group demonstrated outside the courthouse before justices heard arguments last month.

Blue Hill was one of several towns in which voters passed ordinances that allow small-scale farmers to bypass state and federal regulations on foods sold directly to consumers, but the attorney general's office maintained that state and federal law superseded the local ordinance regarding milk.

Brown said it didn't make sense to spend \$60,000 to \$70,000 for upgrades that make him eligible for a \$25 license when he was producing 3 to 6 gallons of milk daily. He said he's already made adjustments on his farm, shifting away from milk and dairy products, which used to account for 90 percent of his revenue, and shifting toward beef, pork and chicken.

He said he didn't think there would be any further appeals.

"It's just time for me to move on," he said. "Farmer Brown had his five minutes of fame, and now it's time for Dan Brown to get on with his life."

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