

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1124, L.D. 1586, Bill, "An Act To Amend the Definition of "Farmers' Market""

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the number of farmers' markets operating in the State increases abruptly in May; and

Whereas, it is desirable that revisions to statutes affecting farmers' markets go into effect prior to this seasonal increase; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 7 MRSA §415, sub-§1, as enacted by PL 1993, c. 138, §1, is amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmers' market" means a building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers, at which all sellers of farm and food products meet the requirements of subsection 2, paragraph B.

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit

1 juice, wine, ornamental or vegetable plants, nursery products, fiber or fiber products,
2 firewood and Christmas trees.

3 **Sec. 2. 7 MRSA §415, sub-§2, ¶B,** as amended by PL 2005, c. 512, §5, is further
4 amended to read:

5 B. A person may not sell farm and food products at a market labeled "farmers'
6 market" unless at least 75% of the ~~product~~ products offered by that person ~~was~~ were
7 grown or processed by that person or under that person's direction. A product not
8 grown or processed by that person or under that person's direction must have been
9 grown or processed by and purchased directly from another farmer and the name and
10 location of the farm must be identified on the product or on a sign in close proximity
11 to the displayed product.

12 **Sec. 3. 22 MRSA §2174** is enacted to read:

13 **§2174. Sale of baked goods at farmers' markets**

14 Notwithstanding section 2156 and rules adopted under section 2153, a person
15 licensed under this subchapter and offering baked goods for sale at a farmers' market as
16 defined in Title 7, section 415 may display and sell unpackaged baked goods in a manner
17 that allows customers to directly select baked goods for purchase. For the purposes of
18 this section, "baked goods" means breads, rolls, buns, flatbreads, cakes, cookies, pies and
19 other pastries.'

20 Amend the bill by adding before the summary the following:

21 '**Emergency clause.** In view of the emergency cited in the preamble, this
22 legislation takes effect when approved.'

23 **SUMMARY**

24 This amendment adds an emergency preamble and emergency clause to the bill. The
25 amendment clarifies that only vendors selling farm or food products at a farmers' market
26 must meet the requirement that 75% of those products be grown or processed by the
27 vendor or under the vendor's direction. It requires a vendor selling farm or food products
28 grown or processed by another person to identify the farm and location on which the
29 product originated. The amendment specifically includes fiber and fiber products in the
30 definition of farm and food products.

31 This amendment also exempts people selling baked goods at farmers' markets from
32 certain rules in the State of Maine Food Code 2001, Chapter 331 of Department of
33 Agriculture, Food and Rural Resources rules.