

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 330

H.P. 263

House of Representatives, February 7, 2011

**An Act To Exempt Farm Food Products and Homemade Food
Offered for Sale or for Consumption at Certain Events from Certain
Licensing Requirements**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative KUMIEGA of Deer Isle.
Cosponsored by Representatives: BLACK of Wilton, FOSTER of Augusta, GIFFORD of Lincoln, McCABE of Skowhegan, O'BRIEN of Lincolnville, PILON of Saco, TIMBERLAKE of Turner.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §411, sub-§3** is enacted to read:

3 **3. Agricultural producer.** "Agricultural producer" means a person who harvests or
4 produces a farm food product.

5 **Sec. 2. 7 MRSA §411, sub-§4** is enacted to read:

6 **4. Agritourism.** "Agritourism" means an activity or demonstration offered to
7 persons visiting a farm. "Agritourism" includes, but is not limited to, participating in the
8 harvesting of fruits and vegetables or the production of maple syrup, riding horses,
9 learning about animal husbandry and fiber production and shopping in farm gift shops
10 and at farm stands for local and regional farm and food products or handcrafted gifts.

11 **Sec. 3. 7 MRSA §411, sub-§5** is enacted to read:

12 **5. Farmers' market.** "Farmers' market" has the same meaning as in section 415,
13 subsection 1, paragraph A.

14 **Sec. 4. 7 MRSA §411, sub-§6** is enacted to read:

15 **6. Farm food product.** "Farm food product" means any food product of the soil or
16 water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and
17 meat products, poultry and poultry products, fish and fish products, grain and grain
18 products, honey, nuts, maple products, apple cider and fruit juice.

19 **Sec. 5. 7 MRSA §411, sub-§7** is enacted to read:

20 **7. Home kitchen producer.** "Home kitchen producer" means a person who
21 prepares food in a private home kitchen that is not licensed as a food establishment under
22 Title 22, chapter 551 when that food is sold, offered for sale or offered for consumption
23 outside the home.

24 **Sec. 6. 7 MRSA §411, sub-§8** is enacted to read:

25 **8. Homemade food.** "Homemade food" means food that is prepared in a private
26 home kitchen that is not licensed as a food establishment under Title 22, chapter 551.

27 **Sec. 7. 7 MRSA §411, sub-§9** is enacted to read:

28 **9. Informed end-consumer.** "Informed end-consumer" means, with regard to a
29 farm food product or homemade food, a person who:

30 A. Purchases or consumes the farm food product or homemade food;

31 B. Does not resell the farm food product or homemade food or process and sell food
32 prepared with the farm food product or homemade food; and

1 C. Has been informed that the agricultural producer or home kitchen producer is not
2 licensed under Title 22, chapter 551 and the farm food product or homemade food is
3 not inspected.

4 **Sec. 8. 7 MRSA §411, sub-§10** is enacted to read:

5 **10. Traditional community social event.** "Traditional community social event"
6 means an event where people gather as part of a community for the benefit of those
7 gathering or for the benefit of the community, including but not limited to a:

8 A. Wedding;

9 B. Funeral;

10 C. Church or religious social;

11 D. School event;

12 E. Potluck;

13 F. Neighborhood gathering;

14 G. Ladies' or gentlemen's club meeting or social; or

15 H. Youth club meeting or social.

16 **Sec. 9. 7 MRSA §416** is enacted to read:

17 **§416. Purchasing food from known sources**

18 **1. License not required for sale of farm food products.** An agricultural producer
19 is exempt from licensing requirements under Title 22, chapter 551 for sales of farm food
20 products when the sales:

21 A. Are made directly to an informed end-consumer; and

22 B. Occur at a farmers' market, on the farm where the farm food product originated or
23 at the home of the informed end-consumer.

24 **2. License not required for sale or offering of homemade food.** A home kitchen
25 producer is exempt from licensing requirements under Title 22, chapter 551 for sales or
26 offering of homemade food:

27 A. Directly to an informed end-consumer; and

28 B. Occurring at a farmers' market, at the home of the home kitchen producer or at a
29 traditional community social event.

30 **3. Food exempt from inspection.** Farm food products and homemade food
31 produced and sold in this State or prepared and served in this State are not subject to
32 inspection by the department under section 446 or Title 22, section 2162 or 2164 when:

33 A. The transaction is between an agricultural producer or a home kitchen producer
34 and an informed end-consumer; or

1 B. The farm food product or homemade food is sold or served at a traditional
2 community social event or an agritourism event.

3 **4. Commissioner's authority.** Notwithstanding subsection 3, when the
4 commissioner is investigating an outbreak of a foodborne illness and has reason to
5 believe that a farm food product or homemade food is adulterated pursuant to Title 22,
6 section 2156, subsection 1, the commissioner shall inspect and may detain, embargo or
7 condemn those products in accordance with Title 22, section 2159.

8 **Sec. 10. 22 MRSA §2152, sub-§8** is repealed.

9 **Sec. 11. 22 MRSA §2152-A** is enacted to read:

10 **§2152-A. Application**

11 Except as provided in Title 7, section 416, subsection 4, this subchapter does not
12 apply to the sale of farm food products and homemade food to informed end-consumers
13 as those terms are defined in Title 7, section 411.

14 **SUMMARY**

15 This bill facilitates direct sales between Maine farmers and consumers. It allows
16 people preparing food in their own homes to sell directly to consumers or to offer
17 homemade food at certain events without being licensed as food establishments.