

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

---

Legislative Document

No. 1287

---

H.P. 914

House of Representatives, April 2, 2013

---

### **An Act To Deregulate Face-to-face Transactions between the People and Small Farms and Small Food Producers**

---

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HICKMAN of Winthrop.  
Cosponsored by Representative LOCKMAN of Amherst, Senator SAVIELLO of Franklin and  
Representatives: CHAPMAN of Brooksville, EVANGELOS of Friendship, JONES of  
Freedom, KUMIEGA of Deer Isle, LIBBY of Waterboro, MAREAN of Hollis, TURNER of  
Burlington, Senator: WHITTEMORE of Somerset.

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

2 **Sec. 1. 7 MRSA §411**, as amended by PL 1979, c. 731, §19 and PL 2011, c. 657,  
3 Pt. W, §6, is further amended to read:

4 **§411. Definitions**

5 As used in this subchapter, the following terms shall have the following meanings.

6 **1. Commissioner.** "Commissioner" means the Commissioner of Agriculture,  
7 Conservation and Forestry.

8 **2. Direct-marketing.** "Direct-marketing" means the marketing of agricultural  
9 commodities by farmers directly to consumers.

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

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

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

21 **6. Farmers' market.** "Farmers' market" has the same meaning as in section 415,  
22 subsection 1, paragraph A.

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

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

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

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

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

34 C. Has been informed that the farm food product or homemade food was not  
35 produced in a food establishment licensed under Title 22, chapter 551 and that the  
36 farm food product or homemade food has not been inspected.

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

4           A. Wedding;

5           B. Funeral;

6           C. Church or religious social;

7           D. School event;

8           E. Potluck;

9           F. Neighborhood gathering;

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

11          H. Youth club meeting or social.

12          **Sec. 2. 7 MRSA §416** is enacted to read:

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

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

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

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

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

23           A. Directly to an informed end consumer; and

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

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

29           A. The transaction is between an agricultural producer or a home kitchen producer  
30           and an informed end consumer; or

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

33           **4. Commissioner's authority.** Notwithstanding subsection 3, when the  
34           commissioner is investigating an outbreak of a foodborne illness and has reason to  
35           believe that farm food products or homemade food is adulterated pursuant to Title 22,

1 section 2156, subsection 1, the commissioner shall inspect and may detain, embargo or  
2 condemn those products in accordance with Title 22, section 2159.

3 **Sec. 3. 22 MRSA §2152, sub-§8** is repealed.

4 **Sec. 4. 22 MRSA §2152-A** is enacted to read:

5 **§2152-A. Application**

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

9 **SUMMARY**

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