

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1376

S.P. 506

In Senate, April 29, 2015

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**An Act To Establish a Local Food Producers and Processors to  
Consumers Pilot Program**

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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  
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative WARD of Dedham and  
Senators: EDGECOMB of Aroostook, SAVIELLO of Franklin, WHITTEMORE of Somerset,  
Representatives: CHAPMAN of Brooksville, HICKMAN of Winthrop, KUMIEGA of Deer  
Isle.

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

2 **Sec. 1. 7 MRSA §219** is enacted to read:

3 **§219. Local Food Producers and Processors to Consumers Pilot Program**

4 **1. Program established.** In accordance with and furtherance of the goals and  
5 policies identified in sections 1-A and 1-B and Title 7-A, section 201-A, there is  
6 established the Local Food Producers and Processors to Consumers Pilot Program,  
7 referred to in this section as "the pilot program," to facilitate the sale of local foods by  
8 producers and processors directly to consumers.

9 **2. Definitions.** As used in this section, unless the context otherwise indicates, the  
10 following terms have the following meanings.

11 A. "Consumer" means a person who acquires local food from an eligible processor  
12 or an eligible producer for personal use or consumption and not for resale.

13 B. "Eligible processor" means a person located in a participating municipality who  
14 processes or otherwise prepares local food for direct sale to consumers.

15 C. "Eligible producer" means a person located in a participating municipality who  
16 cultivates or grows plants or raises animals for processing into local food for direct  
17 sale to consumers.

18 D. "Local food" means a food or drink made from plants or animals raised,  
19 cultivated or grown in a participating municipality.

20 E. "Local food policy council" means an organization of persons with differing  
21 backgrounds and expertise who collaborate to evaluate and improve food systems.

22 F. "Participating municipality" means the towns of Blue Hill, Brooksville,  
23 Penobscot, Sedgwick and Brooklin.

24 G. "Sale" means a transfer, through barter or otherwise.

25 **3. Exemption.** Notwithstanding any other provision of law, eligible producers and  
26 eligible processors are exempt from all state licensure and inspection requirements with  
27 respect to the production and processing of local food for sale to consumers as long as:

28 A. The sale of the local food is a direct, face-to-face transaction occurring in a  
29 participating municipality; and

30 B. The local food is sold in some form of bag or packaging that identifies on an  
31 affixed label:

32 (1) The name and address of the eligible producer or eligible processor;

33 (2) The local food's ingredients;

34 (3) The quantity of the local food; and

35 (4) The following written disclosure: "Not for Resale - Processed and Prepared  
36 without State Inspection."

1 **4. Department assistance.** In furtherance of the goals and policies identified in  
2 sections 1-A and 1-B and Title 7-A, section 201-A, the department shall:

3 A. Encourage eligible producers and eligible processors to adopt best management  
4 practices for ensuring food safety;

5 B. Assist eligible producers and eligible processors in identifying educational  
6 opportunities for furthering their skills in the use of best management practices for  
7 food safety;

8 C. In cooperation with eligible producers and eligible processors, make visits to the  
9 operations of eligible producers and eligible processors to advise and assist in the  
10 adoption of best management practices; and

11 D. Assist and advise local food policy councils in supporting the pilot program and  
12 promoting local producers and processors in general.

13 **5. Assessment report.** By January 15th of each year, beginning in 2016, the  
14 department shall submit to the joint standing committee of the Legislature having  
15 jurisdiction over agricultural matters a report summarizing its activities under this section,  
16 the department's assessment of the success of the pilot program and any recommendations  
17 the department may have relating to the pilot program, including whether the pilot  
18 program should be expanded. The department may conduct surveys to determine public  
19 experience with and support for the pilot program. The department shall include in its  
20 report any assessment of or comments about the pilot program provided to the  
21 department, including by any local food policy council, eligible producers, eligible  
22 processors or consumers participating in the pilot program. Upon receipt of the annual  
23 report, the committee may report out a bill relating to the pilot program.

24 **6. Repeal.** This section is repealed March 31, 2022.

## 25 SUMMARY

26 This bill establishes the Local Food Producers and Processors to Consumers Pilot  
27 Program. The pilot program exempts local producers and processors in the towns of Blue  
28 Hill, Brooksville, Penobscot, Sedgwick and Brooklin, all of which have adopted local  
29 food self-governance ordinances, from all state licensure and inspection requirements  
30 with respect to the production and processing of local foods for sale directly to  
31 consumers. The pilot program is repealed in 2022. Each year the Department of  
32 Agriculture, Conservation and Forestry is required to submit a report on the pilot program  
33 to the joint standing committee of the Legislature having jurisdiction over agricultural  
34 matters including any assessment of or comments about the pilot program provided by  
35 interested persons, including producers, processors and consumers participating in the  
36 pilot program. Upon receipt of the report, the committee may report out a bill relating to  
37 the pilot program.