

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

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No. 835

H.P. 584

House of Representatives, March 7, 2017

An Act To Promote Small Diversified Farms and Small Food Producers

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative CHAPMAN of Brooksville.

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

2 **Sec. 1. 7 MRSA §411**, as enacted by PL 1977, c. 505 and amended by PL 1979, c.
3 731, §19 and PL 2011, c. 657, 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 grows,
11 raises, harvests or 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. Home kitchen producer.** "Home kitchen producer" means a person who
22 prepares food in a private home kitchen that is not licensed as a food establishment under
23 Title 22, chapter 551 when that food is sold, offered for sale or offered for consumption
24 outside the home.

25 **7. 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 **8. Informed end consumer.** "Informed end consumer" means, with regard to a farm
28 food product or homemade food, a person who is the last person to purchase the food or
29 product, who does not resell the food or product and who has been informed by a label
30 that satisfies the requirements of section 416, subsection 3 that the food or product is not
31 licensed or inspected.

32 **9. Traditional community social event.** "Traditional community social event"
33 means an event where people gather as part of a community for the benefit of those
34 gathering or for the benefit of the community, including but not limited to a:

35 A. Wedding;

36 B. Funeral;

- 1 C. Church or religious social;
- 2 D. School event;
- 3 E. Potluck;
- 4 F. Neighborhood gathering;
- 5 G. Ladies' or gentlemen's club meeting or social; or
- 6 H. Youth club meeting or social.

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

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

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

- 12 A. Are made directly to an informed end consumer; and
- 13 B. Occur on the farm where the farm food product originated or at the home of the
14 informed end consumer.

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

- 18 A. Directly to an informed end consumer; and
- 19 B. Occurring at the home of the home kitchen producer or at a traditional community
20 social event.

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

- 24 A. The transaction is between an agricultural producer or a home kitchen producer
25 and an informed end consumer; or
- 26 B. The farm food product or homemade food is sold or served at a traditional
27 community social event or an agritourism event.

28 Farm food products and homemade food must be sold in packages with a label on each
29 package containing the following information: the name, address, including zip code, and
30 phone number of the producer; the name of the food product; the ingredients of the food
31 product in descending order of predominance by weight; and the net quantity of contents
32 in terms of weight, measure or numerical count. Farm food products and homemade food
33 must also be clearly labeled with the following statement, if applicable: "This food
34 product is not produced under license or inspected by the State of Maine." In addition, a
35 sign containing the following statement must be displayed in a conspicuous place where
36 sales occur: "Please inform us of any food allergies before purchase."

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

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

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

8 **§2152-A. Application**

9 Except as provided in Title 7, section 416, subsection 4, this subchapter does not
10 apply to the sale of farm food products and homemade food to informed end consumers
11 as defined in Title 7, section 411, subsections 5, 7 and 8, respectively.

12 **SUMMARY**

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