

MAINE STATE LEGISLATURE

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L.D. 1648

Date: 10/23/2017

(Filing No. S-342)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 605, L.D. 1648, Bill, "An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations"

Amend the bill in section 1 in §282 by striking out all of subsections 1 and 2 (page 1, lines 33 to 35 and page 2, lines 1 to 5 in L.D.) and inserting the following:

1. Direct producer-to-consumer transaction. "Direct producer-to-consumer transaction" means a face-to-face transaction involving food or food products at the site of production of those food or food products.

2. Food or food products. "Food or food products" means food or food products intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

3. State food law. "State food law" means any provision of this Title or Title 22 that regulates direct producer-to-consumer transactions.'

Amend the bill in section 1 by striking out all of §284 (page 2, lines 23 to 30 in L.D.) and inserting the following:

§284. Home rule authority

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, and notwithstanding any provision of state food law to the contrary, except as contained in section 285, a municipality may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those state food laws with respect to those direct producer-to-consumer transactions that are governed by the ordinance.'

Amend the bill in section 1 in §285 in the first 2 lines (page 2, lines 32 and 33 in L.D.) by striking out the following: "In every political subdivision of the State, including

COMMITTEE AMENDMENT

1 a municipality that adopts or amends an ordinance pursuant to section 284" and inserting
 2 the following: 'Notwithstanding any provision in this chapter to the contrary'

3 Amend the bill in section 1 by striking out all of §286 (page 3, lines 1 to 7 in L.D.)
 4 and inserting the following:

5 **§286. Compliance with food safety regulations**

6 An individual who grows, produces, processes or prepares food or food products for
 7 purposes other than direct producer-to-consumer transactions in a municipality that
 8 adopts or amends an ordinance pursuant to section 284 shall grow, produce, process or
 9 prepare the food or food products in compliance with all applicable state and federal food
 10 safety laws, rules and regulations.'

11 Amend the bill by inserting after section 5 the following:

12 **'Sec. 6. Authority to report a bill.** The Joint Standing Committee on
 13 Agriculture, Conservation and Forestry may report out a bill relating to the Maine
 14 Revised Statutes, Title 7, chapter 8-F to the Second Regular Session of the 128th
 15 Legislature.'

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
 17 section number to read consecutively.

18 **SUMMARY**

19 This amendment does the following:

20 1. It clarifies the scope of the bill to ensure that local food ordinances must relate to
 21 direct producer-to-consumer transactions involving food or food products intended for
 22 human consumption. It also provides definitions of "direct producer-to-consumer
 23 transaction" and "food or food products";

24 2. It clarifies that the state laws in the Maine Revised Statutes, Title 7 and Title 22
 25 that regulate direct producer-to-consumer transactions involving food or food products
 26 are the state laws whose application such local ordinances may affect; and

27 3. It makes other clarifying amendments to the bill and adds a provision authorizing
 28 the Joint Standing Committee on Agriculture, Conservation and Forestry to report out a
 29 bill to the Second Regular Session of the 128th Legislature relating to the food
 30 sovereignty law.

31 **FISCAL NOTE REQUIRED**

32 (See attached)



128th MAINE LEGISLATURE

LD 1648

LR 2419(02)

An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-342)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Clarifying language avoids federal action

Fiscal Detail and Notes

This bill provides clarifying language that will help the State avoid any potential fiscal impacts, resulting from current law, of federal termination of the State's implementation of the meat and poultry inspection program and transference of such inspection to the USDA-Food Safety and Inspection Service.