

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Date: 3/29/22

(Filing No. S- 471)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to H.P. 419,
L.D. 574, "An Act To Clarify the Maine Food Sovereignty Act"

Amend the amendment by striking out all of sections 1, 2 and 3 and inserting the following:

'Sec. 1. 7 MRSA §282, sub-§2, as enacted by PL 2017, c. 314, §1, is amended to read:

2. Food or food products. "Food or food products" means food or food products intended that are grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, 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.

Sec. 2. 7 MRSA §282, sub-§3, as enacted by PL 2017, c. 314, §1, is repealed.

Sec. 3. 7 MRSA §284, as enacted by PL 2017, c. 314, §1, is amended to read:

§284. Home-rule-authority 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, pursuant to the authority granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of state food law regulating food in this Title or Title 22 to the contrary, except as contained in section 285, a municipality or plantation may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those state food laws or implementing rules with respect to those direct producer-to-consumer transactions that are governed by the ordinance.

Pursuant to the authority granted to county commissioners by Title 30-A, section 7505 and notwithstanding any provision of law regulating food in this Title or Title 22 to the contrary, except as contained in section 285, a county may adopt ordinances regarding direct producer-to-consumer transactions within one or more unorganized territories within that county and the State shall recognize such an ordinance by not enforcing those laws or implementing rules with respect to those direct producer-to-consumer transactions that are governed by the ordinance.

Sec. 4. 7 MRSA §286, as enacted by PL 2017, c. 314, §1, is amended to read:

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

2 An individual who grows, produces, processes or prepares food or food products for
3 purposes other than direct producer-to-consumer transactions in a municipality ~~that adopts~~
4 ~~or amends, plantation or unorganized territory governed by an ordinance authorized~~
5 pursuant to section 284 shall grow, produce, process or prepare the food or food products
6 in compliance with all applicable state and federal food safety laws, rules and regulations.

7 **Sec. 5. 7 MRSA §415, sub-§4**, as enacted by PL 1993, c. 138, §1, is amended to
8 read:

9 **4. Relationship to farmers' market rules.** This section does not prohibit a ~~market~~
10 farmers' market, including a farmers' market in a municipality or plantation that adopts or
11 amends an ordinance pursuant to section 284 or in an unorganized territory governed by an
12 ordinance authorized pursuant to section 284, from imposing more stringent requirements
13 on its sellers than those imposed by subsection 2, paragraph B.

14 **Sec. 6. 30-A MRSA §7051, sub-§11**, as amended by PL 2019, c. 138, §1, is further
15 amended to read:

16 **11. Ordinances.** Chapter 141, but only with respect to animal control ordinances,
17 subject to Title 7, section 3950, the sale and use of consumer fireworks within the
18 plantation, subject to Title 8, section 223-A, ~~and~~ the accumulation of garbage, refuse,
19 rubbish or trash or unwanted or discarded material of any kind or source on private property
20 and ordinances adopted in accordance with Title 7, chapter 8-F.

21 **Sec. 7. 30-A MRSA §7505** is enacted to read:

22 **§7505. Ordinances authorized under the Maine Food Sovereignty Act**

23 The county commissioners of each county may adopt ordinances regarding direct
24 producer-to-consumer transactions in accordance with Title 7, chapter 8-F.'

25 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
26 section number to read consecutively.

27 **SUMMARY**

28 This amendment replaces Committee Amendment "A" and makes the following
29 changes to the Maine Food Sovereignty Act.

30 1. It changes the definition of "food or food products."

31 2. It repeals the definition of "state food law" and replaces references to this term with
32 references to the laws regulating food in the Maine Revised Statutes, Titles 7 and 22.

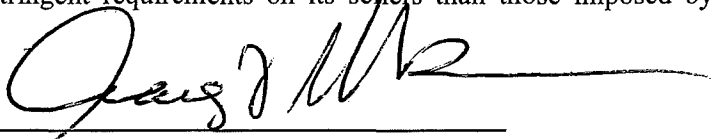
33 3. It provides that a plantation has the same powers and duties and is subject to the
34 same restrictions as a municipality with respect to ordinances directing producer-to-
35 consumer transactions under the Maine Food Sovereignty Act.

36 4. It provides that the county commissioners of each county may adopt ordinances
37 regarding direct producer-to-consumer transactions within one or more unorganized
38 territories within that county in accordance with the Maine Food Sovereignty Act.

39 5. It clarifies that a farmers' market in a municipality or plantation that adopts or
40 amends an ordinance pursuant to the Maine Food Sovereignty Act or in an unorganized

1
2
3
4
5
6

territory governed by an ordinance authorized pursuant to the Maine Food Sovereignty Act may impose more stringent requirements on its sellers than those imposed by certain provisions of law.

SPONSORED BY: 

(Senator HICKMAN, C.)

COUNTY: Kennebec