

MAINE STATE LEGISLATURE

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L.D. 574

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Date: 4/12/22

(Filing No. S-543)

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

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STATE OF MAINE

5

SENATE

6

130TH LEGISLATURE

7

SECOND REGULAR SESSION

8

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

10

Amend the amendment by inserting after the title the following:

11

'Amend the bill by striking out all of the title and substituting the following:

12

'An Act To Amend the Maine Food Sovereignty Act and To Recognize the Maine
13 Food Sovereignty Act in Plantations and Unorganized Territories'

14

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

16

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

18

2. Food or food products. "Food or food products" means food or food products
19 ~~intended that are grown, produced, processed or prepared~~ for human consumption,
20 including, but not limited to, vegetables, fruit, milk or milk products, meat or meat
21 products, poultry or poultry products, fish or fish products, seafood or seafood products,
22 cider or juice, acidified foods or canned fruits or vegetables.

23

Sec. 2. 7 MRSA §282, sub-§3, as enacted by PL 2017, c. 314, §1, is repealed.

24

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

25

§284. ~~Home rule authority~~ Authority

26

Pursuant to the home rule authority granted to municipalities by Title 30-A, section
27 3001 and by the Constitution of Maine, Article VIII, Part Second, pursuant to the authority
28 granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of
29 state food law regulating food in this Title or Title 22 to the contrary, except as contained
30 in section 285, a municipality or plantation may adopt ordinances regarding direct
31 producer-to-consumer transactions and the State shall recognize such ordinances by not
32 enforcing those state food laws or implementing rules with respect to those direct producer-
33 to-consumer transactions that are governed by the ordinance.

34

Pursuant to the authority granted to county commissioners by Title 30-A, section 7505
35 and notwithstanding any provision of law regulating food in this Title or Title 22 to the
36 contrary, except as contained in section 285, a county may adopt ordinances regarding

SENATE AMENDMENT

1 direct producer-to-consumer transactions within one or more unorganized territories within
 2 that county and the State shall recognize such an ordinance by not enforcing those laws or
 3 implementing rules with respect to those direct producer-to-consumer transactions that are
 4 governed by the ordinance.

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

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

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

12 **Sec. 5. 30-A MRSA §7051, sub-§11**, as amended by PL 2019, c. 138, §1, is further
 13 amended to read:

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

19 **Sec. 6. 30-A MRSA §7505** is enacted to read:

20 **§7505. Ordinances authorized under the Maine Food Sovereignty Act**

21 The county commissioners of each county may adopt ordinances regarding direct
 22 producer-to-consumer transactions in accordance with Title 7, chapter 8-F. Ordinances
 23 adopted by the county commissioners govern direct producer-to-consumer transactions in
 24 any unorganized territory within the county whose residents have opted, in a manner
 25 prescribed by the county commissioners, to have the ordinance apply in that unorganized
 26 territory.'

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

29 **SUMMARY**

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

- 32 1. It changes the definition of "food or food products."
- 33 2. It repeals the definition of "state food law" and replaces references to this term with
 34 references to the laws regulating food in the Maine Revised Statutes, Titles 7 and 22.
- 35 3. It provides that a plantation has the same powers and duties and is subject to the
 36 same restrictions as a municipality with respect to ordinances directing producer-to-
 37 consumer transactions under the Maine Food Sovereignty Act.
- 38 4. It provides that the county commissioners of each county may adopt ordinances
 39 regarding direct producer-to-consumer transactions within one or more unorganized
 40 territories within that county in accordance with the Maine Food Sovereignty Act.
 41 Ordinances adopted by the county commissioners govern direct producer-to-consumer

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SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to H.P. 419, L.D. 574 (S-534)

1 transactions in any unorganized territory within the county whose residents have opted, in
2 a manner prescribed by the county commissioners, to have the ordinance apply in that
3 unorganized territory.

4

SPONSORED BY: 

5

(Senator HICKMAN, C.)

6

COUNTY: Kennebec

SENATE AMENDMENT