

MAINE STATE LEGISLATURE

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L D 1947

2

Date 6/9/23

Majority

(Filing No H-441)

3

AGRICULTURE, CONSERVATION AND FORESTRY

4

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STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

131ST LEGISLATURE

8

FIRST SPECIAL SESSION

9

COMMITTEE AMENDMENT "A" to H P 1251, L D 1947, "An Act to Amend the
10 Maine Food Sovereignty Act"

11

Amend the bill by striking out all of section 1 and inserting the following

12

'Sec. 1. 7 MRSA §282, as amended by PL 2021, c 625, §§1 and 2, is further
13 amended to read

14

§282. Definitions

15

As used in this chapter, unless the context otherwise indicates, the following terms
16 have the following meanings

17

1. Direct producer-to-consumer transaction. "Direct producer-to-consumer
18 transaction" means ~~a face-to-face transaction involving an exchange of~~ food or food
19 products ~~at the site of production of those food or food products~~ directly between a food
20 producer and a consumer by barter, trade or purchase on the property or premises owned,
21 leased or rented by the food producer, at roadside stands, fundraisers, farmers' markets and
22 community social events, or through buying clubs, deliveries or community-supported
23 agriculture programs, herd-share agreements and other private arrangements

24

1-A. Consumer. "Consumer" means a person who acquires food or food products
25 directly from a food producer solely for consumption by the person or person's family and
26 who does not intend to sell the food or food products to any other person or entity

27

2 Food or food products. "Food or food products" means food or food products that
28 are grown, produced, processed or prepared for human consumption, including, but not
29 limited to, vegetables, fruit, eggs, grain or grain products, herbs, seasonings or spices, milk
30 or milk products, meat or meat products, poultry or poultry products, fish or fish products,
31 seafood or seafood products, cider or juice, acidified foods ~~or~~, canned fruits or vegetables,
32 honey, nuts, maple products, condiments or any combination of those items such as baked
33 goods, sandwiches or meals

34

2-A. Food producer. "Food producer" means a person who provides in a direct
35 producer-to-consumer transaction food or food products that the person grows or produces

COMMITTEE AMENDMENT

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1 or processes or prepares in a kitchen, including, but not limited to, food that the person
2 cultivates from the land, forages from the land, husbands on the land or catches from the
3 water, food that the person procures from another source, or food that the person labels,
4 packages, plates, serves, synthesizes, treats, modifies or manipulates by means of baking,
5 barbecuing, boiling, bottling, canning, cooking, cooling, curing, cutting, distilling, drying,
6 dehydrating, evaporating, eviscerating, extracting, fermenting, formulating, freezing,
7 grilling, grinding, heat treating, milling, mixing, pasteurizing, peeling, rendering, ripening
8 or trimming.

9 For purposes of this subsection, "kitchen" means a room, area, site or location where food
10 or food products are processed or prepared for a direct producer-to-consumer transaction

11 2-B. Food sovereignty. "Food sovereignty" means the right of peoples to sufficient,
12 healthy and culturally appropriate food produced through ecologically sound and
13 sustainable methods and the right of peoples to define their own food and agriculture
14 systems

15 4. Traditional foodways. "Traditional foodways" means the cultural, social and
16 economic practices related to the production and consumption of food "Traditional
17 foodways" includes the conveyance of knowledge regarding food production, preservation,
18 preparation and presentation'

19 Amend the bill by striking out all of section 7 and inserting the following

20 'Sec. 7. 7 MRSA §284, as amended by PL 2021, c 625, §3, is further amended to
21 read

22 **§284. Authority**

23 Pursuant to the home rule authority granted to municipalities by Title 30-A, section
24 3001 and by the Constitution of Maine, Article VIII, Part Second, pursuant to the authority
25 granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of
26 law regulating food in this Title or Title 22 to the contrary or in conflict, except as contained
27 in section 285, a municipality or plantation may adopt ordinances regarding traditional
28 foodways or direct producer-to-consumer transactions and the State shall recognize such
29 ordinances by not enforcing those laws or implementing rules with respect to those direct
30 producer to consumer transactions that are governed by the ordinance, and the provisions
31 of those ordinances control

32 Pursuant to the authority granted to county commissioners by Title 30-A, section 7505
33 and notwithstanding any provision of law regulating food in this Title or Title 22 to the
34 contrary or in conflict, except as contained in section 285, a county may adopt ordinances
35 regarding traditional foodways or direct producer-to-consumer transactions within one or
36 more unorganized territories within that county and the State shall recognize such an
37 ordinance by not enforcing those laws or implementing rules with respect to those direct
38 producer to consumer transactions that are governed by the ordinance, and the provisions
39 of that ordnance control'

40 Amend the bill by striking out all of section 8 and inserting the following

41 'Sec. 8. 7 MRSA §287 is enacted to read

42 **§287 State enforcement prohibited**

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1 Notwithstanding any provision of law to the contrary or in conflict, except as provided
2 in section 285, the State shall recognize and respect food sovereignty and may not enforce
3 any provision of this Title or Title 22, including any rules adopted pursuant to the
4 provisions of law regulating food in this Title or Title 22, take an enforcement action of
5 any kind against or interfere in any way with any activities authorized pursuant to an
6 ordinance adopted pursuant to section 284'

7 Amend the bill in section 9 in §288 in the indented paragraph in the first line (page 3,
8 line 13 in L D.) by striking out the following "local food"

9 Amend the bill in section 9 in §288 in the indented paragraph in the last line (page 3,
10 line 14 in L D) by inserting after the following "municipality" the following 'pursuant to
11 section 284'

12 Amend the bill in section 9 in §288 in the indented paragraph in the last line (page 3,
13 line 14 in L D) by striking out the following "local food"

14 Amend the bill by striking out all of section 10 and inserting the following

15 'Sec. 10. 7 MRSA §289 is enacted to read

16 **§289. Ordinance construction**

17 To advance food sovereignty principles and the policy of the State as set forth in this
18 chapter, this chapter may not be construed to require a specific form or framework of any
19 municipal, plantation or county ordinance regarding traditional foodways and direct
20 producer-to-consumer transactions authorized pursuant to section 284, to require specific
21 language to be contained in those ordinances or to prohibit a municipality, plantation or
22 county from further defining those terms specified in section 282

23 In accordance with Title 30-A, section 3001, subsections 1 and 3, any ordinance
24 regarding traditional foodways and direct producer-to-consumer transactions authorized
25 pursuant to section 284 must be liberally construed to effectuate the purpose of that
26 ordinance

27 **Sec. 11. 7 MRSA §290** is enacted to read

28 **§290. Annual report to the Legislature**

29 No later than April 1st of each year, the commissioner shall, in coordination with the
30 Commissioner of Health and Human Services, submit to the joint standing committees of
31 the Legislature having jurisdiction over agricultural matters and health and human services
32 matters a report containing a compilation and summary of any information concerning food
33 sovereignty, including, but not limited to, data about the implementation of programs,
34 initiatives and other measures by which the State supports the policies and principles set
35 forth in this chapter

36 **Sec. 12. 7 MRSA §415, sub-§4,** as enacted by PL 1993, c 138, §1, is amended to
37 read

38 **4. Relationship to farmers' market rules.** This section does not prohibit a farmers'
39 market from imposing more stringent requirements on its sellers than those imposed by
40 subsection 2, paragraph B or an ordinance adopted pursuant to section 284'

41 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
42 number to read consecutively

COMMITTEE AMENDMENT

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SUMMARY

1
2 This amendment, which is the majority report, adds eggs, grain or grain products,
3 herbs, seasonings or spices, honey, nuts, maple products, condiments or any combination
4 of those items such as baked goods, sandwiches or meals to the definition of "food or food
5 products "

6 The amendment revises the definition of "food producer" as proposed in the bill and
7 adds a definition of "kitchen" within the definition of "food producer "

8 The amendment adds a definition of "food sovereignty," which means the right of
9 peoples to sufficient, healthy and culturally appropriate food produced through ecologically
10 sound and sustainable methods and the right of peoples to define their own food and
11 agricultural systems

12 The amendment strikes from the definition of "traditional foodways" as proposed in
13 the bill "hunting, gathering, fishing, foraging, buying and selling of food, uses of food
14 products other than for eating, and food folklore "

15 The amendment requires the Commissioner of Agriculture, Conservation and Forestry,
16 in coordination with the Commissioner of Health and Human Services, to submit to the
17 joint standing committees of the Legislature having jurisdiction over agricultural matters
18 and health and human services matters an annual report containing a compilation and
19 summary of any information, including, but not limited to, data about the implementation
20 of programs, initiatives and other measures by which the State supports the policies and
21 principles set forth in the Maine Food Sovereignty Act

22 The amendment provides that a farmers' market may impose more stringent
23 requirements on its sellers than those imposed by municipal, plantation or county
24 ordinances regarding traditional foodways or direct producer-to-consumer transactions

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1947

LR 1921(02)

An Act to Amend the Maine Food Sovereignty Act

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-441)
Committee: Agriculture, Conservation and Forestry
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Agriculture, Conservation and Forestry and the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources