

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

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No. 1947

H.P. 1251

House of Representatives, May 16, 2023

An Act to Amend the Maine Food Sovereignty Act

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


ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: BOYER of Poland, GRIFFIN of Levant, LANDRY of Farmington, POIRIER
of Skowhegan, QUINT of Hodgdon, SAMPSON of Alfred, WILLIAMS of Bar Harbor,
Senator: BRAKEY of Androscoggin.

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

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

4 **§282. Definitions**

5 As used in this chapter, unless the context otherwise indicates, the following terms
6 have the following meanings.

7 **1. Direct producer-to-consumer transaction.** "Direct producer-to-consumer
8 transaction" means ~~a face-to-face transaction involving~~ an exchange of food or food
9 products ~~at the site of production of those food or food products~~ directly between a food
10 producer and a consumer under mutually agreed-to terms.

11 **1-A. Consumer.** "Consumer" means a person who acquires food or food products
12 directly from a food producer under mutually agreed-to terms.

13 **2. Food or food products.** "Food or food products" means food or food products that
14 are grown, produced, processed or prepared for human consumption, including, but not
15 limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or
16 poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified
17 foods ~~or~~, canned fruits or vegetables or any combination of those items and that are
18 provided in a direct producer-to-consumer transaction under mutually agreed-to terms.

19 **2-A. Food producer.** "Food producer" means a person who provides in a direct
20 producer-to-consumer transaction food or food products that the person grows, produces,
21 processes or prepares.

22 **4. Traditional foodways.** "Traditional foodways" means the cultural, social and
23 economic practices related to the production and consumption of food. "Traditional
24 foodways" includes customs of food production, preservation, preparation and
25 presentation; hunting, gathering, fishing, foraging, buying and selling of food; uses of food
26 products other than for eating; and food folklore.

27 **Sec. 2. 7 MRSA §283, first ¶**, as enacted by PL 2017, c. 314, §1, is amended to
28 read:

29 It is the policy of this State to encourage food self-sufficiency for its citizens. The
30 ~~department~~ State shall support policies that:

31 **Sec. 3. 7 MRSA §283, sub-§4**, as enacted by PL 2017, c. 314, §1, is amended to
32 read:

33 **4. Self-reliance and personal responsibility.** Promote self-reliance and personal
34 responsibility by ensuring the ability of individuals, families and other entities to prepare,
35 process, advertise and sell foods directly to customers intended solely for consumption by
36 the customers or their families; ~~and~~

37 **Sec. 4. 7 MRSA §283, sub-§5**, as enacted by PL 2017, c. 314, §1, is amended to
38 read:

39 **5. Rural economic development.** Enhance rural economic development and the
40 environmental and social wealth of rural communities; ~~and~~

41 **Sec. 5. 7 MRSA §283, sub-§6** is enacted to read:

1 6. Right to food. Protect and respect, by not interfering with, the right to food as
2 declared in the Constitution of Maine, Article I, Section 25.

3 **Sec. 6. 7 MRSA §283-A** is enacted to read:

4 **§283-A. Advancement of food sovereignty principles**

5 The Legislature finds that advancing the principles of food sovereignty will further the
6 preservation of rural life and values set forth in section 1-B and protect and respect, by not
7 interfering with, the individual right to food as declared in the Constitution of Maine,
8 Article I, Section 25. Food sovereignty:

9 1. Focuses on the people. Centers the right to sufficient, healthy and culturally
10 appropriate food for the people of the State in food, agriculture, livestock and fisheries
11 policies;

12 2. Values food producers. Values all those who grow, harvest and process food,
13 including women, small-scale farmers, herders, people who fish commercially, forest
14 dwellers, indigenous peoples and agricultural, migrant and fisheries workers;

15 3. Localizes food systems. Brings food producers and consumers closer together so
16 they can make joint decisions on food issues that benefit and protect the people of the State;

17 4. Promotes local control. Respects the right of food producers to have control over
18 their land, seeds and water and protects natural resources for the people of the State;

19 5. Builds knowledge and skills. Values the sharing of local knowledge and skills that
20 have been passed down over generations to safeguard traditional foodways and enhance
21 sustainable food production, free from technologies that undermine bodily health and well-
22 being; and

23 6. Works with nature. Focuses on production and harvesting methods that maximize
24 the contribution of ecosystems, avoid costly and toxic inputs and improve the resiliency of
25 local food systems in the face of drought and other extreme weather conditions.

26 **Sec. 7. 7 MRSA §284**, as amended by PL 2021, c. 625, §3, is further amended to
27 read:

28 **§284. Authority**

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

37 Pursuant to the authority granted to county commissioners by Title 30-A, section 7505
38 and notwithstanding any provision of law regulating food in this Title or Title 22 to the
39 contrary, except as contained in section 285, a county may adopt ordinances regarding
40 traditional foodways and direct producer-to-consumer transactions within one or more
41 unorganized territories within that county and the State shall recognize such an ordinance

1 by not enforcing those laws or implementing rules with respect to those direct producer-to-
2 consumer transactions that are governed by the ordinance.

3 **Sec. 8. 7 MRSA §287** is enacted to read:

4 **§287. State enforcement prohibited**

5 Except as provided in section 285, the State may not enforce any provision of this Title
6 or Title 22, including any rules adopted pursuant to the provisions of this Title or Title 22,
7 take an enforcement action of any kind against or interfere in any way with any activities
8 authorized pursuant to a local food ordinance, including, without limitation, a food
9 producer's conducting authorized activities or direct producer-to-consumer transactions as
10 authorized by section 284.

11 **Sec. 9. 7 MRSA §288** is enacted to read:

12 **§288. Application**

13 The provisions of this chapter apply to any local food ordinance adopted by a
14 municipality, including those local food ordinances adopted prior to October 31, 2017.

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 ordinance regarding traditional foodways and direct producer-to-consumer
20 transactions authorized pursuant to section 284, to require specific language to be contained
21 in those ordinances or to prohibit a municipality from establishing definitions different than
22 those specified in this chapter.

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 **SUMMARY**

28 This bill amends the Maine Food Sovereignty Act to:

29 1. Provide or amend definitions of "consumer"; "direct producer-to-consumer
30 transaction"; "food or food products"; "food producer"; and "traditional foodways";

31 2. Require the State, instead of the Department of Agriculture, Conservation and
32 Forestry, to support policies that encourage food self-sufficiency for its citizens and to
33 further encourage self-reliance, personal responsibility and rural economic development
34 and protect and respect, by not interfering with, the right to food;

35 3. Establish food sovereignty principles;

36 4. Prohibit the State from enforcing any law or rule, taking an enforcement action or
37 interfering in any way with the activities authorized by a local food ordinance, except those
38 state laws or rules that involve the State's meat and poultry products inspection, registration
39 and licensing program;

- 1 5. Apply the provisions of the Maine Food Sovereignty Act to all local food
- 2 ordinances, including those in place before the Act was enacted; and
- 3 6. Specify that the Maine Food Sovereignty Act does not require the use of specific
- 4 language or definitions in municipal food ordinances.