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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in the First Regular Session of the 128th Legislature, the Legislature enacted "An Act To Recognize Local Control Regarding Food Systems," which the Governor, on June 16, 2017, signed and which became Public Law 2017, chapter 215, effective November 1, 2017; and

Whereas, under provisions of the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act, the United States Department of Agriculture, Food Safety and Inspection Service has questioned the State's authority under Public Law 2017, chapter 215 to enforce the requirements of the State's meat and poultry products inspection and licensing program set forth in the Maine Revised Statutes, Title 22, chapter 562-A in a manner that is at least equal to the standards imposed and enforced under the federal acts; and

Whereas, the Secretary of Agriculture of the United States has notified the Governor that, on or after November 1, 2017, Maine will become a so-called designated state for federal inspection of all the State's licensed or registered slaughtering and processing establishments, which would threaten the meat and poultry processing infrastructure of our State and potentially cause grave harm to the State's rural economies; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 7 MRSA c. 8-F is enacted to read:

CHAPTER 8-F

MAINE FOOD SOVEREIGNTY ACT

§ 281. Short title

This chapter may be known and cited as "the Maine Food Sovereignty Act."

§ 282. Definitions

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

1. Foodways. "Foodways" means the cultural, social and economic practices related to the production and consumption of food, including, but not limited to, bean suppers, potlucks, barbecues and other community events.

2. Local food system. "Local food system" means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents.

§ 283. Statement of policy; local control and rural economic development

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

1. Local control. Through local control, preserve the ability of communities to produce, process, sell, purchase and consume locally produced foods;

2. Small-scale farming and food production. Ensure the preservation of family farms and traditional foodways through small-scale farming and food production;

3. Improved health and well-being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

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

5. Rural economic development. Enhance rural economic development and the environmental and social wealth of rural communities.

§ 284. Home rule authority; local food and community self-governance

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 other provision of law to the contrary, a municipality may adopt ordinances regarding local food systems and community self-governance that set forth provisions that apply exclusively to direct producer-to-consumer food exchanges and other traditional foodways, and the State shall recognize such ordinances, except as provided in section 285.

§ 285. Departmental authority; livestock and poultry

In every political subdivision of the State, including a municipality that adopts or amends an ordinance pursuant to section 284, the department shall implement and enforce all provisions of Title 22, chapter 562-A and the rules adopted thereunder that are necessary to ensure that the requirements of the

State's meat and poultry products inspection and licensing program are at least equal to the applicable requirements specified under applicable federal acts, as defined by the United States Department of Agriculture or other federal agencies, without exception.

§ 286. Wholesale or retail distribution; compliance with food safety regulations

In every political subdivision of the State, including a municipality that adopts or amends an ordinance pursuant to section 284, an individual who grows, produces, processes or prepares food or food products intended for any wholesale distribution or retail distribution outside of that political subdivision shall grow, produce, process or prepare the food or food products in compliance with all applicable state and federal food safety laws, rules and regulations, without exception.

Sec. 2. 7-A MRSA §101, sub-§2-A, as enacted by PL 2013, c. 405, Pt. A, §7, is repealed.

Sec. 3. 7-A MRSA §101, sub-§2-B, as enacted by PL 2017, c. 215, §1, is repealed.

Sec. 4. 7-A MRSA §201-A, as enacted by PL 2013, c. 405, Pt. A, §8, is repealed.

Sec. 5. 7-A MRSA §201-B, as enacted by PL 2017, c. 215, §2, is repealed.

Sec. 6. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 7-A, section 101, subsection 2-B and Title 7-A, section 201-B take effect November 1, 2017.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

SUMMARY

This bill establishes that certain foods that are produced in municipalities with local food ordinances that are regulated under federal authority and jurisdiction must still comply with state and federal laws, rules and regulations and are subject to state licensing and inspection in order to comply with federal laws and regulations.