

127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1376

S.P. 506

In Senate, April 29, 2015

An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program

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

HEATHER J.R. PRIEST Secretary of the Senate

Presented by Senator LANGLEY of Hancock. Cosponsored by Representative WARD of Dedham and

Senators: EDGECOMB of Aroostook, SAVIELLO of Franklin, WHITTEMORE of Somerset, Representatives: CHAPMAN of Brooksville, HICKMAN of Winthrop, KUMIEGA of Deer Isle.

2	Sec. 1. 7 MRSA §219 is enacted to read:
3	§219. Local Food Producers and Processors to Consumers Pilot Program
4 5 6 7 8	1. Program established. In accordance with and furtherance of the goals and policies identified in sections 1-A and 1-B and Title 7-A, section 201-A, there is established the Local Food Producers and Processors to Consumers Pilot Program, referred to in this section as "the pilot program," to facilitate the sale of local foods by producers and processors directly to consumers.
9 10	2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
11 12	A. "Consumer" means a person who acquires local food from an eligible processor or an eligible producer for personal use or consumption and not for resale.
13 14	B. "Eligible processor" means a person located in a participating municipality who processes or otherwise prepares local food for direct sale to consumers.
15 16 17	C. "Eligible producer" means a person located in a participating municipality who cultivates or grows plants or raises animals for processing into local food for direct sale to consumers.
18 19	D. "Local food" means a food or drink made from plants or animals raised, cultivated or grown in a participating municipality.
20 21	E. "Local food policy council" means an organization of persons with differing backgrounds and expertise who collaborate to evaluate and improve food systems.
22 23	F. "Participating municipality" means the towns of Blue Hill, Brooksville, Penobscot, Sedgwick and Brooklin.
24	G. "Sale" means a transfer, through barter or otherwise.
25 26 27	3. Exemption. Notwithstanding any other provision of law, eligible producers and eligible processors are exempt from all state licensure and inspection requirements with respect to the production and processing of local food for sale to consumers as long as:
28 29	A. The sale of the local food is a direct, face-to-face transaction occurring in a participating municipality; and
30 31	B. The local food is sold in some form of bag or packaging that identifies on an affixed label:
32	(1) The name and address of the eligible producer or eligible processor;
33	(2) The local food's ingredients;
34	(3) The quantity of the local food; and
35 36	(4) The following written disclosure: "Not for Resale - Processed and Prepared without State Inspection."

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

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- **4. Department assistance.** In furtherance of the goals and policies identified in sections 1-A and 1-B and Title 7-A, section 201-A, the department shall:
 - A. Encourage eligible producers and eligible processors to adopt best management practices for ensuring food safety;
 - B. Assist eligible producers and eligible processors in identifying educational opportunities for furthering their skills in the use of best management practices for food safety;
 - C. In cooperation with eligible producers and eligible processors, make visits to the operations of eligible producers and eligible processors to advise and assist in the adoption of best management practices; and
 - D. Assist and advise local food policy councils in supporting the pilot program and promoting local producers and processors in general.
 - 5. Assessment report. By January 15th of each year, beginning in 2016, the department shall submit to the joint standing committee of the Legislature having jurisdiction over agricultural matters a report summarizing its activities under this section, the department's assessment of the success of the pilot program and any recommendations the department may have relating to the pilot program, including whether the pilot program should be expanded. The department may conduct surveys to determine public experience with and support for the pilot program. The department shall include in its report any assessment of or comments about the pilot program provided to the department, including by any local food policy council, eligible producers, eligible processors or consumers participating in the pilot program. Upon receipt of the annual report, the committee may report out a bill relating to the pilot program.
 - **6. Repeal.** This section is repealed March 31, 2022.

25 SUMMARY

 This bill establishes the Local Food Producers and Processors to Consumers Pilot Program. The pilot program exempts local producers and processors in the towns of Blue Hill, Brooksville, Penobscot, Sedgwick and Brooklin, all of which have adopted local food self-governance ordinances, from all state licensure and inspection requirements with respect to the production and processing of local foods for sale directly to consumers. The pilot program is repealed in 2022. Each year the Department of Agriculture, Conservation and Forestry is required to submit a report on the pilot program to the joint standing committee of the Legislature having jurisdiction over agricultural matters including any assessment of or comments about the pilot program provided by interested persons, including producers, processors and consumers participating in the pilot program. Upon receipt of the report, the committee may report out a bill relating to the pilot program.

Page 2 - 127LR0230(01)-1