



Troy D. Jackson
President of the Senate

THE MAINE SENATE
129th Legislature

3 State House Station
Augusta, Maine 04333

DATE: March 25, 2019

TO: Governing Bodies of Maine's Municipalities

FROM: Troy D. Jackson, Senate President
Craig V. Hickman, House Chair, Committee on Agriculture, Conservation and Forestry

RE: **Purpose and Intent of the Maine Food Sovereignty Act with Ordinance Template**

We are the cosponsors of "An Act To Recognize Local Control Regarding Food Systems," as amended by "An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations," known and cited as the Maine Food Sovereignty Act (MFSA) of 2017.

We understand that there remains confusion regarding the purpose and intent of the MFSA and its application in municipal ordinances across the State. We understand that, under the guidance of the Maine Municipal Association, some Select Boards and Town Managers have relegated the drafting of these ordinances to municipal attorneys. We have seen a narrowing of the purpose and intent of the MFSA in some of these ordinances. We write to make clear that the MFSA is a permissive statute that ought to be freely construed.

Purpose of the Maine Food Sovereignty Act

The explicit purpose of the MFSA is to recognize local control of food systems by **preserving the right of individuals to define their own food and agriculture systems within their municipalities**. It is the policy of this State to encourage food self-sufficiency for its citizens. Through local control, the MFSA shall:

- 1) Preserve the ability of communities to produce, process, sell, purchase and consume locally produced foods;
- 2) Ensure the preservation of family farms and traditional foodways through small-scale farming and food production;

- 3) Improve the health and well-being of citizens of this State;
- 4) Promote self-reliance and personal responsibility by ensuring direct producer to consumer exchange of food;
- 5) Enhance rural economic development and the environmental and social wealth of rural communities.

(See §283. Statement of Policy; Local Control and Rural Economic Development of Title 7, Chapter 8-F.)

The MFSA decentralizes decision-making regarding direct producer-to-consumer transactions to municipalities pursuant to Maine Home Rule Authority. The MFSA ensure that residents are engaged in the process of working with Select Boards, Town Councils and City Councils to define the terms and conditions of their own food systems and draft ordinances that best reflect the food needs of their respective communities.

Intent of the Maine Food Sovereignty Act

While the MFSA includes a definition of “direct producer-to-consumer transaction,” that definition is not prescriptive. Indeed, in the enacting clause of the MFSA, the context indicates otherwise, and with the exception of meat and poultry, the MFSA states that, “(...) a municipality may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those state food laws with respect to those direct producer-to-consumer transactions **that are governed by the ordinance.**” *(See §284 of Title 7, Chapter 8-F.)*

In other words, municipalities have the express authority to enact ordinances regarding local food systems, to define those producer-to-consumer transactions that are governed by such ordinances, and the State shall recognize them.

There is no requirement in the MFSA to write the ordinances in any particular way. Its intent is to recognize what people do, not tell them what to do. Its intent is permissive, not prescriptive. Its intent is to embrace and assert the fundamental right of individuals to acquire the food of their own choosing from the sources of own choosing for their own health and well-being. Ordinances may be drafted to fit the needs of individuals in municipalities across the State. Ordinances are limited to direct producer-to-consumer transactions only and may not include meat and poultry. *(See §285 of Title 7, Chapter 8-F.)*

Local Food and Community Self-Governance Ordinance Template

We have worked with a group of farmers and eaters on a draft template entitled Local Food and Community Self-Governance Ordinance of 2018 (LFCSGO) to ensure that there is a template in circulation that is aligned in purpose and intent with the MFSA. It can be found at: <http://localfoodrules.org/ordinance-template/>.

Success of the Maine Food Sovereignty Act

We hoped that the MFSA would spur interest from small growers and producers and help to create an economy for them. In a state that imports 90% of its food, we hoped that the MFSA would encourage more community-based food production, individually suited to its own communities. In a state with harsh weather extremes and high levels of poverty and food insecurity, we hoped that the MFSA would foster better conditions for food self-sufficiency. It has already succeeded on all fronts.

Please don't hesitate to contact us with any questions on the purpose and intent of the MFSA. President Jackson can be reached at Troy.Jackson@legislature.maine.gov or 287-1500 and Chairman Hickman can be reached at Craig.Hickman@legislature.maine.gov or 287-1430.