

DRAFT COMMITTEE AMENDMENT TO
L.D. 1586 An Act To Amend the Definition of "Farmers' Market"
2/17/10

Amend the bill by adding an Emergency Preamble

Further amend the bill by striking all of Sec. 1 [the original bill wording from May '09. *-ed*] and replacing it with:

Sec. 1. 7 MRS A §415 is amended to read:

§415. Farmers' market

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmers' market" means a building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers, at which sellers of food and farm products meet the requirements of subsection 2, paragraph B.

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water; including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

2. Prohibitions. The following acts are prohibited.

A. A person may not use the term "farmers' market" to describe a market or other sales location that does not meet the terms of the definition set forth in subsection 1.

B. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the products offered by that person were grown or processed by that person or under that person's direction. A product not grown or processed by that person must have been grown or processed by and purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

3. Penalty. A person who violates this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$200 may be adjudged.

4. Relationship to farmers' market rules. This section does not prohibit a market from imposing more stringent requirements on its sellers than those imposed by subsection 2, paragraph B.

5. Enforcement; prima facie evidence. The commissioner or an agent of the commissioner may request proof of the origin of a product for the purpose of enforcing this section. Failure to

provide written documentation or other reasonable proof upon request as to the origin of the products offered for sale at a farmers' market is prima facie evidence that a person is in violation of this section

Sec. 2. 22 MRSA §2174 is enacted to read:

§2174 Sale of baked goods at farmers' markets

Notwithstanding section 2156 and rules adopted under section 2153, a person licensed under this subchapter and offering baked goods for sale at a farmers' market as defined in Title 7, section 415 may display and sell unpackaged baked goods in a manner that allows customers to directly select baked goods for purchase. For the purposes of this section, "baked goods" means breads, rolls, buns, flatbreads, cakes, cookie, pies and other pastries.

SUMMARY

This amendment requires a vendor selling products grown or processed by another person to identify the farm and location on which the product originated.

This amendment also exempts people selling baked goods at farmers' markets from certain rules in the State of Maine Food Code, Rules Chapter 331 of the Department of Agriculture, Food, and Rural Resources