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## PENOBSCOT COUNTY UNORGANIZED TERRITORIES Local Food Sovereignty Ordinance

### Section 1. Short Title

This Ordinance shall be known and may be cited as the “Local Food Sovereignty Ordinance.”

### Section 2. Authority and Purpose.

This Ordinance is intended to provide residents of the Unorganized Territories of Penobscot County with increased access to local food, to support the ability of residents to produce, sell, purchase and consume locally produced foods, and to reduce governmental regulation of local foods to the extent permitted by and pursuant to 7 M.R.S. §§ 281 et seq. This Ordinance is enacted pursuant to 7 M.R.S. § 284 and 30-A M.R.S. § 7505.

### Section 3. Definitions.

As used in this Ordinance, the following words have the meanings stated below:

- A. Direct producer-to-consumer transaction. "Direct producer-to-consumer transaction" means an exchange of food or food products directly between a food producer and a consumer by barter, trade or purchase on the property or premises owned, leased or rented by the food producer; at roadside stands, fundraisers, farmers' markets and community social events; or through buying clubs, deliveries or community-supported agriculture programs, herd-share agreements and other private arrangements.
- B. Food or food products. "Food or food products" means food or food products that are grown, produced, processed, or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, fresh produce, cider or juice, acidified foods or canned fruits or vegetables.
- C. State food law. "State food law" means any provision of Title 7 or Title 22 of the Maine Revised Statutes that regulates direct producer-to-consumer transactions.

### Section 4. License and Inspection Exemptions.

- A. Notwithstanding any other provision of the ordinances of this County to the contrary, producers, growers, and processors of food or food products in the Unorganized Territories of Penobscot County are exempt from licensure and inspection requirements contained in State food law (as defined above) with respect to their direct producer-to-consumer transactions as defined herein.

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- B. Pursuant to 7 M.R.S. § 285, the exemption provided in section 4(A) above does not apply to any transactions involving meat, meat products, poultry or poultry products, as those terms are defined in 22 M.R.S. § 2511. All such transactions remain subject to state inspection and licensing pursuant to Chapter 562-A of Title 22 of the Maine Revised Statutes and the rules adopted thereunder.

## **Section 5. Severability.**

If any section or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such decision shall not invalidate any other section or provision of this ordinance.

## **Section 6. Effective Date.**

This Ordinance shall become effective upon its adoption.

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Andre E. Cushing, III, Chairman

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Peter K. Baldacci

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David S. Marshall

*This Ordinance was adopted at a meeting of the Penobscot County Commissioners called and held on the \_\_\_\_ day of \_\_\_\_\_, 2024.*

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Penobscot County Clerk