



Janet T. Mills
GOVERNOR

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AUGUSTA, MAINE
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June 30, 2021

The 130th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 954, *An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act*.

Under the 2017 Maine Food Sovereignty Act, communities may pass local ordinances that allow the direct sale of many food products without State regulatory oversight. These direct producer-to-consumer transactions must occur face-to-face at the site of production. L.D. 954 originally proposed to add plantations and unorganized territories to the entities that may adopt and enact ordinances under the current Act. The Administration recognized the need for this existing Maine law to be applied equally for all residents regardless of where they reside or conduct business within the state. The bill, as initially written, proposed no further substantive changes to the existing Act, and the Administration supported its adoption.

However, the amendment introduced in the House and adopted by both chambers vastly changes the scope of the transactions that would be exempt from state oversight, and deviates from the intent of the 2017 legislation by eliminating the face-to-face site of production requirement. As a result, anyone would be able to sell any food product, except for certain meat and poultry products, anywhere a food sovereignty ordinance has been adopted with no regulatory oversight and no requirement to inform customers that items were produced in an uninspected facility. Further, L.D. 954 allows the adoption of a Food Sovereignty ordinance at the county-wide level.

Not all foods require inspection in Maine. I strongly support local producers providing healthy foods to their communities. I also believe that all Mainers have a right to healthy, sufficient, and appropriate foods. However, the essential tenets of food sovereignty cannot be entirely divorced from food safety.

A significant portion of the agricultural community has expressed concern that eliminating the existing direct producer-to-consumer definition from the Maine Food Sovereignty Act undermines the ability of consumers to make informed decisions about the safety and quality of the products they are buying. Transactions occurring at the site of production allow the consumer to interact with the producer and make their own judgment about the state of their



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operation to inform their decision to purchase a product that has not been subject to state inspection. Expanding the reach of these transactions beyond the site of production will allow these foods to enter commerce more broadly, where the consumer may not realize that they are buying an uninspected product, particularly if they are not a resident of the community that has adopted such an ordinance. Notably, there is also no labeling requirement in this bill for these products to convey such information.

I am also concerned that allowing the adoption of county-wide ordinances does not allow for communities to opt out if they wish. This bill places significant public health and food safety responsibilities upon counties and municipalities that may not have the capacity, training, ability, or desire to assume them adequately.

I have heard deep concern from several sectors of the agriculture community and other entities that sell perishable or processed food items about the negative impact that this bill could have on the reputation of Maine's local foods if someone becomes ill from uninspected products. Licensing an operation generally costs between \$25 and \$50, a nominal amount for the educational and technical assistance services provided by state inspectors. It is inaccurate to suggest that basic food safety education, assistance, and occasional inspection of entrepreneurial food producers by the Department of Agriculture, Conservation and Forestry is holding these businesses back.

Maine's food and farm industry is the backbone of our rural communities, which is why it is crucial to uphold basic food safety standards and keep the current safeguards of the Maine Food Sovereignty Act in place. For these reasons, I return L.D. 954 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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