

From: PBP Copy Editor 1 <copyeditor1@penobscotbaypress.com>

Subject: food ordinance response

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To: Andrew Birdsall <abirdhpf@gmail.com>

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STATE OF MAINE
DEPARTMENT OF
AGRICULTURE, FOOD & RURAL RESOURCES
28 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0028

Paul R. LePage
GOVERNOR

APR 11 2011

Walter E. Whitcomb
COMMISSIONER

April 6, 2011

Town of Blue Hill
P.O. Box 412
Blue Hill, Maine 04614

Dear Municipal Official:

It has recently come to my attention that an ordinance entitled "Local Food and Community Self-Governance Ordinance" has either passed or is being considered in your municipality. The ordinance purports to exempt local residents from certain food licensure and inspection requirements. Because this conflicts with and would frustrate the purposes of state food licensing and inspection laws, the ordinance is preempted by state law. These laws are intended to protect public health by regulating safe food handling practices. Accordingly, town residents involved in food processing and sales activities which are subject to state licensing and inspection are not exempt from those requirements.

The Maine Department of Agriculture, Food and Rural Resources will continue to license and inspect all food processors and manufacturers as provided by Maine law, including those located in the Town of Blue Hill. Department personnel are instructed to work with unlicensed food processors or manufacturers to gain their voluntary compliance with the law. However, persons who fail to comply will be subject to enforcement, including the removal from sale of products from unlicensed sources and/or the imposition of fines.

Thank you for your prompt attention to this matter and I appreciate your anticipated cooperation.

Sincerely,

Walter E. Whitcomb
Commissioner

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