

ducing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy.”

§ 1-B of Title 7 of the Maine Revised Statutes which states: “The preservation of rural life and values in the State {is the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms,... and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of Education, Department of Health and Human Services, Department of Labor and the Department of Agriculture, Conservation and Forestry.

§201-A of Title 7-A of the Maine Revised Statutes which states: “It is the policy of the State to encourage food self-sufficiency for its citizens. The department (Department of Agriculture, Conservation and Forestry) shall support policies that: 1. Local Control. Through local control preserve the abilities of communities to produce, process, sell, purchase, and consume locally produced foods.... 3. Improved Health and Well-Being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing; 4. Self-reliance and personal responsibility. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and sell foods directly to customers intended solely for consumption by the customers or their families....

**Section 5.1. Licensure/Inspection Exemption.** Producers or processors of local foods in the Town of (name of town) are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

**Section 5.1.a. Licensure/Inspection Exemption.** Producers or processors of local foods in the Town of (name of town) are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

**Section 5.2. Right to Access and Produce Food .** (Name of town) citizens possess the right to save and exchange seed; produce, process, sell, purchase, and consume local foods of their choosing.

**Section 5.3. Right to Self-Governance.** All citizens of (name of town) possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent.

**Section 5.4. Right to Enforce.** (Name of town) citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

**Section 6. Statement of Law. Implementation.** The following restrictions and provisions serve to implement the preceding statements of law.

**Section 6.1. State and Federal Law.** It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized

by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or country.

**Section 6.2. Patron Liability Protection.** Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

**Section 7. Civil Enforcement.** The Town of (name of town) may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of (name of town) shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

**Section 8. Town Action against Pre-emption.** The foundation for making and adoption of this law is the peoples's fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government.

**Section 9. Effect .** This Ordinance shall be effective immediately upon its enactment.

**Section 10. Severability Clause.** To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

**Section 11. Repealer.** All inconsistent provisions of prior Ordinances adopted by the Town of (name of town) are hereby repealed, but only to the extent necessary to remedy the inconsistency.

**Section 12. Human Rights and Constitutionality.** Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the US Constitution or the Constitution of the State of Maine.

## Rights Based Ordinances

Rights-based ordinances (RBOs) look to state constitutions, which declare the inherent right of the people of a state to self-governance. Most states now also have home rule, which confers varying degrees of power to towns, cities, boroughs, townships or counties to govern themselves. Rights-based ordinances secure these rights over the supposed rights of corporations and claimed authority of regulatory agencies, which are dominated by corporate influence. RBOs reinforce the civil and political rights of people in their communities, and allow them to make determinations about the health, safety and welfare of their town. The LFCSGO used language from ordinances in Shapleigh and Newfield, Maine, as a template. These RBOs prevented Nestle from taking water from their shared aquifer to bottle and sell back to them. These were ordinances drafted by the Community Environmental Legal Defense Fund, which pioneered the use of RBOs. Food freedom bill proposals from Wyoming and Florida also provided inspiration for the text of the LFCSGO