

2019 Maine House Paper No. 850, Maine One Hundred Twenty-Ninth Legislature - First Regular Session

MAINE BILL TEXT

TITLE: An Act To Increase Consumption of Maine Foods in State Institutions; (LD 1167)

VERSION: Introduced

March 07, 2019

Representative Craig HICKMAN of Winthrop, Representative Michelle DUNPHY of Old Town , Representative Sheldon HANINGTON of Lincoln , Representative Thom HARNETT of Gardiner , President Troy JACKSON of Aroostook , Representative Donald MAREAN of Hollis , Senator Matthew POULIOT of Kennebec , Representative Stephen STANLEY of Medway , Representative Maureen TERRY of Gorham , Senator Eloise VITELLI of Sagadahoc ,

 [Image 1 within document in PDF format.](#)

SUMMARY: Current law requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or food brokers. This bill establishes a minimum percentage of Maine foodstuffs, including milk or milk products, eggs, meat or meat products, poultry or poultry products, fish or fish products and fruits and vegetables, that must be purchased, requiring at least 20% by December 31, 2025, at least 30% by December 31, 2030, at least 40% by December 31, 2040 and at least 50% by December 31, 2050. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill also clarifies that "Maine food producer" includes food processors, revises provisions regulating quality standards and requires competitive bidding when more than one producer or broker or wholesaler can supply a given foodstuff.

TEXT:

An Act To Increase Consumption of Maine Foods in State Institutions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. [7 MRSA §211](#), as enacted by PL 1983, c. 608, §2, is amended to read:

§ 211. Statement of policy

It is the policy of the State to encourage food self-sufficiency for the State. State **State-funded** institutions and school districts **or agencies** in the State shall purchase food produced by Maine farmers ~~or fishermen~~ **, persons who fish commercially or food processors**, provided **as long as** that food is available in adequate quantity and **, meets acceptable quality standards ;** and is priced competitively.

Sec. 2. [7 MRSA §212](#), sub-§§1 and 2, as enacted by PL 1983, c. 608, §2, are amended to read:

1. Brokers or wholesalers. "Brokers or wholesalers" means any person representing an enterprise, either for profit or nonprofit, whose objective is to purchase or collect available supplies of food from Maine food producers for subsequent distribution to state **state-funded** institutions ~~; school districts~~ **or agencies** and other food businesses.

2. Maine food producer. "Maine food producer" means any person who is a resident farmer ~~or fisherman~~ **, person who fishes commercially or processor of food grown or harvested in the State**, or an association of farmers ~~or fishermen~~ **, persons who fish commercially or food processors** in a cooperative or producer group.

Sec. 3. [7 MRSA §212](#), sub-§3, as amended by PL 1989, c. 443, §18 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

3. State purchaser. "~~State or school~~ purchaser" means any person who purchases foodstuffs for any state **state-funded** institution or agency, ~~the community colleges or the school districts of this State~~ **the University of Maine System or the Maine Community College System.** "**State purchaser" does not include a person who purchases foodstuffs for a school that participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007).**

Sec. 4. [7 MRSA §213](#), first ¶, as enacted by PL 1983, c. 608, §2, is amended to read:

Notwithstanding any other provision of law and assuming reasonable similarity in quality, quantity and availability with other foodstuffs offered for sale, ~~state or school~~ purchasers shall buy meat **or meat products, poultry or poultry products**, fish **or fish products**, dairy products, ~~excluding milk and~~ **milk or milk products**, eggs; and ~~species of~~ fruits and fresh vegetables; directly from Maine food producers or from food brokers who assist in the distribution of foodstuffs produced or harvested by Maine food producers. In the event that more than one producer, broker or wholesaler can supply a given foodstuff, the ~~institutional or school~~ **state** purchaser ~~may~~ **shall** require competitive bidding.

Sec. 5. [7 MRSA §213](#), sub-§3 is enacted to read:

3. Implementation schedule. The following percentages of foodstuffs purchased by a state purchaser must come directly from Maine food producers or brokers or wholesalers who assist in the distribution of foodstuffs produced or harvested by Maine food producers:

A. By December 31, 2025, at least 20%;

B. By December 31, 2030, at least 30%;

C. By December 31, 2040, at least 40%; and

D. By December 31, 2050, at least 50%.

Sec. 6. [7 MRSA §214](#), as amended by PL 2011, c. 655, Pt. EE, §12 and affected by §30, is further amended to read:

§ 214. Coordination of purchases of foodstuffs from Maine concerns

1. Food purchasing coordinator. The commissioner shall designate an employee of the department to serve as a food purchasing coordinator to assist in the development of connections between state ~~and school~~ purchasers, Maine food producers and brokers ~~and~~ **or** wholesalers of food.

2. Annual meeting. The food purchasing coordinator shall cause to be held an annual meeting that brings together **Maine food** producers, **brokers or** wholesalers, buyers and food service professionals to enhance opportunities for cooperation and expand the purchase of local foodstuffs by state ~~institutions and public schools~~ **purchasers.**

3. Advisory committee. The commissioner shall establish an advisory committee to discuss possibilities and review proposals for expanding purchases of local foodstuffs. The commissioner shall invite one or more representatives from each of the following agencies to serve on the advisory committee: the Department of Education; the Department of Marine Resources; the Department of Corrections; the Department of Administrative and Financial Services, Bureau of

Purchases; the Department of Health and Human Services; the University of Maine System; and the Maine Community College System. **The advisory committee shall meet at least once every 2 years.**

Sec. 7. **7 MRSA §215**, as amended by PL 1989, c. 700, Pt. A, §31, is further amended to read:

§ 215. Standards

1. Quality standards to be established. Quality standards for meat **or meat products, poultry or poultry products**, fish **or fish products**, dairy products, excluding milk and **milk or milk products**, eggs, and species of fresh fruits and vegetables shall **must** be established in writing and copies of these standards shall **must** be made available to all Maine food producers and brokers and **or** wholesalers who are interested in selling food to **state-funded** institutions and schools **or agencies** in Maine.

2. Coordination of development of quality standards. The Bureau of Purchases will **shall** coordinate the development of quality standards with state **state-funded** institutions and the Department of Education **agencies and the division of quality assurance and regulations within the Bureau of Agriculture, Food and Rural Resources**. The **food purchasing** coordinator will **shall** collaborate with the State Purchasing Agent in assisting state and school purchasers in formulating consistent, although not necessarily uniform, quality standards. In the event there are differences of opinion about the quality of foodstuffs supplied to **state-funded** institutions or schools **agencies**, final authority for resolution rests with the State Purchasing Agent **division of quality assurance and regulations**.

3. Certification of food of Maine origin. Food brokers and **or** wholesalers or any person who sells directly to the state **state-funded** institutions and schools **or agencies** of Maine shall certify to purchasing agents that shipments of food intended to be of Maine origin are produced or harvested by Maine food producers.

4. Split shipments of food. In the event that foodstuffs of Maine origin are not available in sufficient quantities to meet demand, food brokers and **or** wholesalers or any person selling directly to the state **state-funded** institutions or schools **agencies** may supply split shipments of food, mixing food items of Maine origin with the same food items from outside Maine, provided **as long as** the consolidated order is of comparable quality and the broker **or wholesaler or person** specifies the percentage of the mixed shipment that is of Maine origin.

summary

Current law requires state and school purchasers to buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine food producers or food brokers. This bill establishes a minimum percentage of Maine foodstuffs, including milk or milk products, eggs, meat or meat products, poultry or poultry products, fish or fish products and fruits and vegetables, that must be purchased, requiring at least 20% by December 31, 2025, at least 30% by December 31, 2030, at least 40% by December 31, 2040 and at least 50% by December 31, 2050. The bill exempts from the requirements school purchasers at schools participating in the National School Lunch Program. The bill also clarifies that "Maine food producer" includes food processors, revises provisions regulating quality standards and requires competitive bidding when more than one producer or broker or wholesaler can supply a given foodstuff.